

Devon Birds (Charity Number 1191647) Annual Report and Accounts Explainer.

Introduction

This document has been produced to support the first Annual Return of Devon Birds (1191647) due within 10mths of the financial year end which was 31/12/21.

Background

The overall intent being to facilitate a smooth and seamless transition of legal status from the Charitable trust called Devon Bird Watching and Preservation Society (DBWPS – Charity Number 228966) to an Association CIO called Devon Birds (1191647).

Following approval at the 2019 AGM of a draft association CIO constitution, a new Association CIO charity was established on 5/10/20. Little progress was made in transitioning to the new charity until legal firm Tozer's LLP were appointed on 20/10/21 to guide us through the legal process with the Charity Commission

On 07/12/2022 The Transfer agreement (See Annex A) prepared by Tozer's was signed and returned to Tozer's ready for enactment on 31/12/21 corresponding with the financial year end of DBWPS (228966)

On 14/12/2022 we received permission from the Charity Commission to transfer the assets. See Annex B.

With permission and the Transfer agreement in place, on 31/12/21 the transfer was enacted and the assets and membership activity stopped operating under the DBWPS Charitable trust (228966) and continued from 01/01/2022 under Devon Birds Association CIO (1191647).

Devon Birds (1191647) Annual Report and Accounts

The annual Report and Accounts for the financial year 2021 (Annex C) were approved at the AGM on 30/03/22 and filed for DBWPS (228966) on 02/04/22.

Draft Minutes of the AGM are in Annex D

In practice as noted on page 3 of the Report and Accounts cover both 2021 and 2022, where 2021 is under the Charitable Trust (DBWPS) and 2022 within the Association CIO Devon Birds.

The financial activities for Devon Birds (1191647) commenced on 01/01/2023 as described above using the exact same financial arrangements¹. For the year ending 31/12/2021 there have been no financial transactions hence the summary figures are set to £0.

Next Steps

The intent under advisement from Tozer's is to 'link' the charities as soon as practicable after the AGM and pre-requisite administrative activities are complete.

For this year (2022) the Annual Report and Accounts will be produced in a similar manner and be included in the second Annual Return of Devon Birds (1191647) later in 2023 after the AGM (March 23).

¹ Provision of the banking services has continued seamlessly. Assets have been formerly transferred but from a service use perspective, this has only affected the account name.



ANNEX A – Transfer Agreement

DATED 31st December 2021

TRANSFER AGREEMENT

The Trustees of Devon Birdwatching and Preservation Society (1)

and

Devon Birds (2)

TOZERS

THIS DEED is made the 31 day of December 2021

PARTIES

1. The individuals whose names and addresses are set out in Schedule 1 (together called "**the Trustees**") in their capacity as the trustees for the time being of the unincorporated charity DEVON BIRD WATCHING AND PRESERVATION SOCIETY of which the registered charity number is 228966 ("**the Unincorporated Charity**").
2. DEVON BIRDS, a charitable incorporated organisation with registered charity number 1191647 ("**the CIO**") whose registered office is 16 Erme Drive Ivybridge PL21 9BN.

BACKGROUND

- A. The Trustees are all of the charity trustees for the time being of the Unincorporated Charity which is registered as a charity and governed by a constitution last amended on 27 March 2019 ("**the Constitution**").
- B. The CIO is a newly-formed entity registered as a charity.
- C. The Trustees consider that the Charitable Objects would be best achieved through the transfer of the Charitable Undertaking to the CIO.
- D. Following a resolution of the members of the Unincorporated Charity at a general meeting on 30 April 2020 to wind up the Unincorporated Charity, the Trustees have resolved, pursuant to the Charitable Objects and with the consent of the Charity Commission given by Order on [14 December 2021], to transfer the Charitable Undertaking to the CIO on the terms of this Agreement.
- E. The trustees of the CIO have resolved, pursuant to its charitable objects, to accept such transfer on the terms of this Agreement.

1. INTERPRETATION

- 1.1 In this Agreement the following expressions will have the following meanings unless the context otherwise requires:

"the Assets" all of the assets whatsoever held by Trustees on behalf of the Unincorporated Charity at (and where relevant after) the Effective Date including (but without limitation) those described in Clause 2 of this Agreement

"Business Information" all information, know-how and techniques (whether or not confidential and in whatever form held) whatsoever which in any way relate to:

- i. all or any part of the Unincorporated Charity;

- ii. services provided by the Unincorporated Charity;
- iii. the operations, management, administration or financial affairs of the Unincorporated Charity (including any strategic plans or forecasts, information relating to future strategic developments or planning, information relating to litigation or legal advice)

“Cash”	all cash balances held by the Trustees for the purposes of the Unincorporated Charity at the Effective Date
“Charitable Objects”	the charitable objects of the Unincorporated Charity as set out in its Constitution
“Charitable Undertaking”	the Assets, the Liabilities and the operations and activities of the Unincorporated Charity collectively as a going concern
“the Contracts”	all of the contracts and arrangements (whether in writing or otherwise) to which the Trustees are party for the purposes of the Unincorporated Charity and which are in force at the Effective Date
“the Creditors”	the third parties to whom the Debts are owed at the Effective Date
“the Debtors”	the third parties to whom the book and other debts owed or accruing due to the Trustees in relation to the activities of the Unincorporated Charity are attributable at the Effective Date
“the Debts”	the aggregate amount owed in relation to the Unincorporated Charity by the Trustees to third parties at the Effective Date
“the Effective Date”	the close of business on 31 December 2021
“the Equipment”	all equipment, furniture, furnishings, stock and other personal property of the Unincorporated Charity (wherever located) at the Effective Date
“Excluded Liabilities”	all liabilities of the Trustees (if any) arising as a result of any act or omission of any of the Trustees, which such Trustee(s) knew to be a breach of trust or breach of duty, or in respect of which such Trustee(s) recklessly

disregarded whether such act or omission was a breach of trust or breach of duty or not

"Funding Commitments"

all grants, funding agreements, covenants, legacies and other funding commitments of which the Unincorporated Charity has the benefit at or after the Effective Date (including in particular but without limitation legacies taking effect after the Effective Date) of a non-contractual nature

"indemnify"

means fully to indemnify and keep indemnified against all losses, damages, costs, actions, awards, penalties, fines, proceedings, claims, demands, liabilities (including without limitation any liability to tax), and expenses (including, without limitation, legal and other professional fees and expenses) which may be suffered, sustained, properly incurred or paid by or put to, the beneficiary of the indemnity

"the IP Rights"

means the intellectual property rights whatsoever owned by the Trustees for the purposes of the Unincorporated Charity as at the Effective Date including for the avoidance of doubt the benefit of the domain name www.devonbirds.org

"the Investments"

all investments managed by the Trustees for the purposes of the Unincorporated Charity at the Effective Date;

"the Liabilities"

all of the liabilities (including but without limitation the Debts and all contingent liabilities) whatsoever of the Trustees in relation to the Unincorporated Charity as at the Effective Date except for the Excluded Liabilities together with all liabilities or claims or proceedings arising after the Effective Date but in respect of acts or omissions prior to the Effective Date

"Property Interests"

the freehold and leasehold interests which either through the Official Custodian for Charities or individual holding trustees, the Trustees hold on behalf of the Unincorporated Charity as listed in Schedule 2

"the Records"

all of the books, records and other documents relating to the Unincorporated Charity in whatever medium so held including, without limitation, the following:

a) all books of account ledgers payroll and income records information relating to projects and suppliers and all other books documents and computer records; and

b) all promotional and publicity materials

but excluding any records which the Trustees are required by law to retain

“TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 2006

“VAT Act” the Value Added Tax Act 1994

- 1.2 The headings in this Agreement are inserted for convenience only and shall not affect the construction of this Agreement.
- 1.3 Unless the context otherwise requires reference to any clause or schedule is to a clause or schedule (as the case may be) of this Agreement.
- 1.4 References to the singular shall include the plural and vice-versa.
- 1.5 References to the masculine gender shall include the feminine and neuter gender and vice-versa.
- 1.6 All schedules shall form part of this Agreement.
- 1.7 Any reference to a statute includes any re-enactment of the same from time to time in force and any regulations or other legislation made pursuant to it.

2. TRANSFER OF ASSETS

- 2.1 In accordance with the powers contained in the Unincorporated Charity’s constitution and all other powers enabling them to do so the Trustees will transfer, assign and deliver all of the Assets, subject to the Liabilities but otherwise free from all liens, charges, encumbrances, equities and claims of any kind whatsoever to the CIO including but without limitation:-

2.1.1 the Cash;

2.1.2 the Investments;

2.1.3 the Debts;

2.1.4 the Equipment;

2.1.5 the IP Rights;

2.1.6 the Property Interests;

- 2.1.7 the benefit (subject to the burden) of the Contracts;
 - 2.1.8 the benefit (subject to the burden) of the Funding Commitments;
 - 2.1.9 the Records; and
 - 2.1.10 all other assets (if any) of whatever nature owned by the Unincorporated Charity at the Effective Date.
- 2.2 The CIO shall accept the transfer assignment and delivery of the Assets and Liabilities transferred to it by the Trustees pursuant to Clause 2.1 upon the terms of this Agreement.

3. COMPLETION

3.1 Completion will take place on the Effective Date at which time:-

3.1.1 the Trustees will be deemed to have:-

- 3.1.1.1 let the CIO into full and effective possession (both actual and constructive), control and operation of the Assets;
- 3.1.1.2 delivered to the CIO such of the Assets as are capable of passing by delivery;
- 3.1.1.3 delivered to the CIO all further transfer, assignments and other documents which are necessary to perfect the transfer of all the Assets other than the Assets passing by physical delivery, together with all available documents of title relating to such Assets;
- 3.1.1.4 delivered to the CIO the Business Information;
- 3.1.1.5 delivered the Contracts in hard copy form;
- 3.1.1.6 delivered to the CIO the Records; and

3.1.2 the Trustees will:-

- 3.1.2.1 procure the transfer of all sums in any bank account opened in the name of the Unincorporated Charity to the credit of the CIO; and
- 3.1.2.2 procure the execution of transfers of the Freehold Premises in favour of the CIO.

3.2 As soon as reasonably practicable following the Effective Date the CIO shall notify all necessary third parties in writing of the completion and effect of this Transfer including (as applicable) donors, volunteers, funders, accountants, banks, insurers, contracting third parties and volunteers.

4. OBLIGATIONS OF THE CIO

4.1 The CIO hereby undertakes to the Trustees that it will as from the Effective Date:

- 4.1.1. hold any restricted funds on the same terms and conditions as such funds were held by the Trustees;
- 4.1.2. adopt, perform, fulfil and be bound by all of the terms, conditions, obligations and liabilities of or under the Contracts so far as they then remain undischarged or underperformed or are otherwise capable of being performed, adopted or fulfilled or arise on or after the Effective Date and indemnify the Trustees (and each of them) in respect of the same;
- 4.1.3. accept responsibility for the payment of the Debts to the Creditors and indemnify the Trustees (and each of them) in respect of the same;
- 4.1.4. collect all of the sums owed by the Debtors and indemnify the Trustees (and each of them) in respect of all costs and expenses in connection with such collection;
- 4.1.5. subject to Clause 8, indemnify the Trustees (and each of them) against all of the Liabilities and against all proceedings, claims and losses of any kind whatsoever incurred in respect of the Assets and Liabilities whether such proceedings arose or claims were instituted or losses suffered before or after the Effective Date;
- 4.1.6. subject to Clause 8, hold harmless and fully indemnify each of the Trustees (and any individual who previously acted as a trustee of the Unincorporated Charity) not criminally or knowingly or recklessly responsible for any Excluded Liabilities against such Excluded Liabilities however and whenever arising;
- 4.1.7. indemnify the Trustees (and each of them) in respect of any actual or alleged infringement of the IP Rights or a third party's intellectual property rights; and
- 4.1.8. comply with any restrictions imposed in the Funding Commitments.

5. THE PROPERTY INTERESTS

- 5.1 The Property Interests are held in trust for the Unincorporated Charity, a non-exempt charity, and the transfer of the Property Interests by the Unincorporated Charity pursuant to this Agreement is a transfer falling within paragraph (c) of section 117(3) of the Charities Act 2011.
- 5.2 The Property interests will, as a result of the transfer pursuant to this Agreement, be held by the CIO as a non-exempt charity and that the restrictions on disposition imposed by sections 117 to 121 of the Charities Act 2011 will apply to the land (subject to section 117(3) of that Act).

5.3 The Trustees and the CIO shall ensure that any required formalities in the relation to the transfer of the Property Interests are promptly effected.

6. CONTRACTS

6.1 Where the benefit of a Contract cannot be assigned to the CIO without the consent of a third party or except by an agreement of novation:

6.1.1 the Trustees and the CIO shall use their reasonable endeavours to obtain any such consent or novation in the period following the Effective Date;

6.1.2 unless and until any such consent is obtained or any such novation is effected the CIO will, to its own benefit, perform on behalf of the Trustees (at the CIO's expense) all the obligations of the Unincorporated Charity in relation to such Contract; and

6.1.3 to the extent that the terms of the transfer may or will result in any breach of the provisions of a relevant Contract, the CIO shall take full responsibility for any such breach and any liabilities arising from it shall be covered by the indemnities provided by the CIO to the Trustees under Clause 4.

7. FUNDING COMMITMENTS

The Trustees and the CIO shall, at all times, use their reasonable endeavours in the period following the Effective Date to procure that any necessary consents required to provide the benefit of Funding Commitments to the CIO are obtained, or effected, in liaison with the relevant third parties.

8. LIMITATION OF LIABILITY

The CIO's liability to incur costs including discharging the Liabilities, the Contracts and the Creditors and obligations to indemnify the Trustees under the terms of this Agreement shall not exceed the combined value of the Assets transferred to it pursuant to Clause 2 of this Agreement.

9. INSURANCE

9.1 The Trustees undertake to the CIO that they will notify the interests of the CIO to the relevant insurers and seek to transfer the benefit of any existing insurance policies to the CIO.

9.2 The CIO will use its reasonable endeavours to ensure that the policies of insurance effected by it cover the liability of the past, present and future trustees of the Unincorporated Charity as well as that of the CIO.

10. FURTHER ASSURANCE

The Trustees hereby agree and declare that they will after the Effective Date and at the CIO's expense and request, execute and deliver documents and take any steps as shall reasonably be required from time to time by the CIO to vest in the CIO the Assets or perfect the CIO's title to any of the Assets including (but without limitation) in respect of assets whose legal and equitable title are not capable of being transferred by delivery or by operation of this Agreement.

11. BINDING AGREEMENT

This Agreement shall be binding upon each party's successors and assigns.

12. INVALIDITY

If any term or provision in this Agreement shall in whole or in part be held to any extent to be illegal or unenforceable under any enactment or rule of law, that term or provision or part shall to that extent be deemed not to form part of this Agreement and the enforceability of the remainder of this Agreement shall not be affected.

13. CONTINUING OBLIGATIONS

To the extent that any obligation under this Agreement has not been fully observed or performed on completion it will not merge on completion of this Agreement but will remain in full force and effect thereafter.

14. WHOLE AGREEMENT

14.1 This Agreement together with any documents referred to in it constitutes the whole agreement between the parties relating to the subject matter and supersedes and extinguishes any prior draft agreements, undertakings, representations, circumstances and arrangements whether oral or in writing relating to such subject matter.

14.2 The CIO acknowledges that it has not been induced to enter into this Agreement by any representation, warranty or promise of the Trustees or anyone else. The CIO agrees that (except in respect of fraud) it shall have no right or remedy in respect of any representation, warranty, promise or assurance.

15. THIRD PARTY RIGHTS

Nothing in this Agreement shall confer on any third party any benefit or the right to enforce any term of this Agreement and the parties hereto may agree to cancel or vary this Agreement in whole or in part without being required to seek or obtain the consent of any third party. The parties intend that

- (a) each Trustee shall be entitled to enforce Clauses 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 6.1.3 and 19;
- (b) each Trustee (and any previous trustee of the Unincorporated Charity) shall be entitled to enforce Clause 4.1.6; and
- (c) no third party shall otherwise be entitled to benefit from or have the right to enforce any of the terms of this Agreement.

16. FORCE MAJEURE

16.1 Neither party is to be liable for any failure or delay in performing its obligations under this Agreement due to any cause beyond its reasonable control ("force majeure") including governmental actions, war, riots, civil commotion, fire, flood, epidemic, labour disputes including labour disputes

involving its own employees, inability or delay in obtaining supplies of adequate or suitable materials, currency restrictions and acts of God.

16.2 The date for performance of an obligation which has been delayed by force majeure is to be suspended only for the period of delay caused by the force majeure event.

16.3 The party seeking to exempt itself from liability because of Clause 16.1 must give written notice to the other party within 7 days of becoming aware of the force majeure event and must use all reasonable endeavours to mitigate the severity of the force majeure event.

16.4 The party seeking to exempt itself from liability because of Clause 16.1 is not entitled to payment from the other party for any extra costs and expenses incurred because of the force majeure event.

17. VALUE ADDED TAX

The parties shall use all reasonable endeavours to procure that the transfer of the Assets effected by this Agreement is deemed to be a transfer of a business as a going concern for the purposes of Section 49 of the VAT Act and Regulation 5 of the Value Added Tax (Special Provisions) Order 1995.

18. LAW AND JURISDICTION

This Agreement shall be governed by and construed in accordance with English Law. The parties submit to the exclusive jurisdiction of the courts of England.

19. COSTS

After the Effective Date the CIO shall pay the proper and reasonable costs of the Trustees in (a) complying with any obligations set out in this Agreement and (b) should it become relevant in due course, arranging for the Unincorporated Charity to be struck off the Register of Charities including the proper and reasonable costs of obtaining any legal or other professional advice for the Trustees on the extent of their obligations as charity trustees.

SCHEDULE 1

Trustees of the Unincorporated Charity

1. Nicholas Armstrong of Restharrow, Kennerleigh, Devon EX17 4RS.
2. Simon Churchley of Mew Stone, Hallsands, Kingsbridge, Devon TQ7 2EX.
3. Adrian Colston of 16 Cheltenham Close, Exwick, Exeter, Devon EX4 2EL.
4. Mike Daniels of 16 Erme Drive, Ivybridge, Devon PL21 9BN.
5. Shaw Edwards of 2 Stanborough Court, Moreleigh, Totnes, Devon TQ9 7NT.
6. Fiona Freshney of Seahill Barn, Dry Lane, Christow, Exeter, Devon EX6 7PH.
7. Mike Goss of 59 Clobells, South Brent, Devon TQ10 9JW.
8. Elizabeth Harris of 43 Torr Lane, Hartley, Plymouth PL3 5PA.
9. Dr John Michael Lock of Glen Fern, Whitford Road, Musbury, Axminster, Devon EX13 7AP.
10. Colin Randall of 16 The Rosemullion, Cliff Road, Budleigh Salterton, Devon EX9 6LA.
11. Kevin Rylands of 177 Bitton Park Road, Teignmouth, Devon TQ14 9D.
12. Karen Sims of 3 Church View Court, Stoke Rivers, Barnstaple, Devon EX32 7LD.
13. Jerry Tallowin of Furze, Shelley Road, South Zeal, Okehampton, Devon EX20 2PH.
14. John Towers of 3 Church View Court, Stoke Rivers, Barnstaple, Devon EX32 7LD.
15. Professor Charles Tyler of Orchard Cottage, Woodland, Ashburton, Devon TQ13 7JS.
16. Tony Utting of 17 Camomile Way, Newton Abbot, Devon TQ12 1US.

SCHEDULE 2

Part 1: Freehold Interests

1. Title Number :DN411985

Address of Property : Land on the south side of Riverside Road, Barnstaple

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of the Devon Bird Watching and Preservation Society care of Mrs J W Vaughan, Devon Bird Watching & Preservation Society, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

2. Title Number :DN190127

Address of Property : land at East Prawle

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of The Devon Bird Watching and Preservation Society care of Mrs Joyce Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

3. Title Number :DN190128

Address of Property : land at East Prawle

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of The Devon Bird Watching and Preservation Society care of Mrs Joyce Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

4. Title Number :DN249522

Address of Property : 8 Prawle Cottages, East Prawle

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of The Devon Bird Watching and Preservation Society care of Mrs Joyce Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

5. Title Number :DN322480

Address of Property : Land at Kenwith Valley Northan, Bideford

Registered Owner(s) : MICHAEL DAVID JOHNSTONE, ROGER CLIVE SWINFEN and NORMAN TRIGG of Meadow Ridge, Bonfire Hill, Salcombe, Devon (Trustees of the Charity known as the Devon Bird Watching and Preservation Society).

11. Title Number : DN542286

Address of Property : Land on the north east side of Sand Bank, South Milton, Kingsbridge (TQ7 3JR)

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of Devon Bird Watching and Preservation Society care of Mrs. J. W. Vaughan, Hon. Secretary, Devon Birdwatching & Preservation Society, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

12. Title Number : DN603636

Address of Property : land at Mill Farm, South Milton, Kingsbridge

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of Devon Bird Watching and Preservation Society care of Joy Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PB and care of Roger Doble, West Torridge, Limers Lane, Northam, Bideford, Devon EX39 2RG.

Part 2: Leasehold Interests

1. Title Number: DN639444

Address of Property : Land at Thurlestone Sands, Kingsbridge (LEASEHOLD)

Registered Owner(s) : GEORGE HARRIS of 6 Clonway, Yelverton PL20 6EG
MICHAEL TREVOR DANIELS of 1 Babbs Cottages, Plymouth Hill, Princetown, Yelverton PL20 6QJ the trustees of the charity known as the Devon Bird Watching & Preservation Society (charity number 228966).

- 2.** The Bird Hides owned and maintained by the Unincorporated Charity on third party land at Beesands (Private land Owner), Roadford (South West Lakes Trust) and Fernworthy (South West Lakes Trust).
- 3.** The Bird Observatory owned and operated by the Unincorporated Charity, located in the Slapton Ley National Nature Reserve.
- 4.** The arrangements under which the Unincorporated Charity manages a small Bird Reserve on land owned by South West Water at Velator.

6. Title Number :DN372898

Address of Property : land at Godborough, Kenwith Valley, Bideford

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of The Devon Bird Watching and Preservation Society care of Joyce Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PD.

7. Title Number :DN220596

Address of Property : land lying to the north-east of a road leading from Thurlestone Sands to South Milton, South Milton, Kingsbridge

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of the Devon Bird Watching and Preservation Society care of Mrs Joyce Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

8. Title Number :DN334295

Address of Property : land at South Milton, Kingsbridge

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of The Devon Bird Watching and Preservation Society care of Mrs Joyce Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

9. Title Number : DN486322

Address of Property : land at South Milton, Kingsbridge

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of the Devon Bird Watching and Preservation Society care of Mrs J W Vaughan, Hon Sec, The Devon Bird Watching and Preservation Society, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

10. Title Number : DN503765

Address of Property : land at South Milton, Kingsbridge

Registered Owner(s) : THE OFFICIAL CUSTODIAN FOR CHARITIES on behalf of the trustees of the Devon Bird Watching And Preservation Society care of Joyce Winifred Vaughan, 28 Fern Meadow, Okehampton, Devon EX20 1PB.

IN WITNESS whereof the parties hereto have executed and delivered this instrument as their deed the day and year first before written

SIGNED AND DELIVERED AS A DEED
on behalf of THE TRUSTEES by Nicholas
Armstrong and Simon Churchley being two
Trustees of the Unincorporated Charity
duly authorised to execute this Agreement
pursuant to Section 333 Charities Act 2011



.....
NICHOLAS C. ARMSTRONG
Trustee



Trustee SIMON CHURCHLEY

SIGNED AND DELIVERED AS A DEED BY
DEVON BIRDS a charitable incorporated
organisation acting by Nicholas Armstrong
and Simon Churchley being two of its
Trustees



.....
NICHOLAS C. ARMSTRONG
Trustee



Trustee SIMON CHURCHLEY



Annex B – Charity Commission permission for Transfer

**ORDER OF
THE CHARITY COMMISSION FOR ENGLAND AND WALES**

To authorise the transfer of assets and liabilities and the granting of an indemnity
under section 105 of the Charities Act 2011

dated the

14 December 2021

for the charity known as

DEVON BIRD WATCHING AND PRESERVATION SOCIETY (228966)

and

DEVON BIRDS (1191647)

CLAIRE BUTLER

**A member of staff of the Charity Commission authorised to act on behalf of the
Charity Commission**

ORDER

1. In this order:

“the unincorporated charity” means Devon Bird Watching and Preservation Society (228966);

“the CIO” means Devon Birds (1191647);

“liabilities properly incurred” excludes any liabilities arising from any negligence, default, breach of duty or breach of trust committed by the trustees of the unincorporated charity.

2. Being satisfied that it is expedient in the interests of both charities, the Commission authorises the trustees of the unincorporated charity to transfer the assets and liabilities of the unincorporated charity to the CIO and the CIO to receive them, provided that, at the point of transfer, the value of the transferring assets exceeds the value of any transferring liabilities.
3. Being satisfied that it is expedient in the interests of the CIO, the Commission authorises the CIO to grant an indemnity to the trustees of the unincorporated charity provided that indemnity is limited to:
- (a) liabilities properly incurred by the trustees of the unincorporated charity acting in their capacity as such; and
 - (b) the value of the assets transferred by the unincorporated charity to the CIO.



Annex C – 2021 Annual Report and Accounts



Annual Report & Accounts

Year Ending

31 December 2021

Annual General Meeting

Wednesday 30th March 2022

At the Exeter Court Hotel, Kennford, Exeter EX6 7UX at 7.00pm

Agenda

1. Apologies
2. Minutes of the 2021 Annual General Meeting
3. Matters arising from the Minutes
4. Chairman's Report
5. Secretary's Report
6. Treasurer's Report
7. Adoption of revised DBWPS (old charity) constitution prepared by Tozers LLP (Our solicitor's) to enable 'Linking' with the new charity.
8. Election of Officers:

		Proposed	Seconded
Conservation Advisor	Paul Fitzpatrick	N Armstrong	S Churchley
Conservation Advisor	Graham Burton	N Armstrong	S Churchley
Youth Development	Rea Sims	N Armstrong	S Churchley
Ordinary Member	Adrian Colston	F Freshney	J Tallowin
Ordinary Member	Fiona Freshney	M Lock	K Rylands
Plymouth Branch Rep	Liz Harris	C Randall	F Freshney
East Devon Branch Rep	Colin Randall	J Tallowin	M Lock
South Devon Branch Rep	Nick D'Agorne	T Utting	K Rylands
9. Election of Auditor/Independent Examiner – Thomas Westcott

There will be a break for tea/coffee followed by a talk by Barbara, Baroness Young of Old Scone, Chairman of the Woodland Trust, titled: "Twin emergencies – biodiversity and climate change"

Devon Birds

"As of midnight on 31st December 2021, the assets of 'Devon Bird Watching and Preservation Society' (Charity No 228966) were transferred to 'Devon Birds' (Charity No 1191647). The charities purpose remain the same and the activities will continue seamlessly. This document is written in that context, however, for the record, items relating to 2021 (and before) are associated with 'Devon Bird Watching and Preservation Society' and those relating to 2022 (and beyond) 'Devon Birds'".

The Society is a registered charity, and is governed by its Constitution. The address of the Hon. Secretary is 16 Erme Drive, Ivybridge, Devon PL21 9BN.

Names marked with * denote charity Trustees during the year.

Mr N Baker	President
Mr N Armstrong *	Chairman
Dr C Tyler *	Vice Chairman
Mr M T Daniels *	Secretary
Mr S Churchley *	Treasurer
Vacant *	Membership Secretary
K Rylands *	County Recorder
Mr T Utting *	Promotions & Engagement Secretary
Dr J M Lock *	Publishing Group Representative
Ms S Beavan *	Fieldwork Officer & BTO Rep (Resigned July 21)
Vacant *	Conservation Officer
Mr C Randall *	East Devon Branch Representative
Mr M Goss*	South Devon Branch Representative (Standing down 30.3.22)
Mr J Towers*	Taw & Torridge Branch Representative
Mrs L Harris *	Plymouth Branch Representative
Mr N Armstrong*	Mid Devon Branch Representative
Ms F Freshney *	Ordinary Member
Mr A Colston *	Ordinary Member
Ms K Sims*	Ordinary Member
Mr S Edwards*	Ordinary Member (Standing down 30.3.22)
Mr J Tallowin*	Ordinary Member

Bankers CAF (Charities Aid Foundation), 25 Kings Hill Avenue, Kings Hill, West Malling, Kent ME19 4TA

Independent Examiner

Thomas Westcott, 47 Boutport Street, Barnstaple, Devon EX31 1SQ

The objects of the Society are contained in its Constitution, which is published and a copy available to all Members.

A review of activities and achievements during the year is contained in the Society's Officers' Reports.

Annual General Meeting 2021

The Annual General Meeting scheduled for Wednesday 31st March 2021 was cancelled due to the ongoing Covid19 pandemic. In order to conduct the business required by the Constitution a postal ballot was sent to all members and a Question & Answer session was conducted via Zoom at 7pm on Wednesday 31st March. 12 members attended the Zoom session.

The Secretary declared the following ballot results:

	For	Against
2020 Accounts	161	1
Approve the election of:		
Chairman & Mid Devon Branch Rep – N Armstrong	162	0
Vice Chairman – C Tyler	161	0
Secretary – M Daniels	162	0
Publications Group Rep – M Lock	162	0
Promotions & Engagement Sec – T Utting	160	0
Fieldwork Officer & BTO Rep – S Beavan	160	1
Ordinary Member – J Tallowin	161	0
Ordinary Member – S Edwards	161	0

There was 1 abstention.

One question had been raised in advance:

From R Little:

Has Devon Birds council made progress identifying projects in the future that will enable it to fulfil its charitable objects above and beyond the maintenance of its Reserves.

Or alternatively has it a plan in place which will enable Devon Birds to achieve this?

C Tyler responded: Devon Birds is currently corresponding with members at the various Branches in order to ascertain their thoughts and plans for a strategy for the future. The project is in its early stages and may be opened up to the whole membership in order to confirm the way forward.

The response to the question was accepted.

Tara Bowers reported that Wildlife Wardens had been appointed in Ashburton and Tiverton. There may be opportunities to engage with these appointments. There may be others.

Mike Jones asked about opportunities to engage with other wildlife organisations. S Edwards replied that there had already been exploratory meetings with Devon Wildlife Trust.

S Edwards as outgoing Chairman handed over to N Armstrong.

Meeting ended at 7.40pm

Chairman's Report

It has been a very dynamic and productive year for Devon Birds despite the difficulty in sustaining some of our usual activities and events due to the pandemic. We achieved our main goal of overseeing the transition of our Society's constitution to a Charitable Incorporated Organisation (CIO). In addition, we have made significant progress in the design and development of both our new Conservation Strategy ("Devon Birds Strategy") and website and interface.

The continuing impact of the Coronavirus led to the cancellation of the Annual General Meeting for 2021 scheduled to be held at the Exeter Court Hotel on 31st March. Instead, the AGM was conducted by Zoom and our business handled by means of a paper ballot followed by a Question & Answer session with Zoom. Similarly, the first two Council meetings of the year in January and April fell to the use of Zoom while another casualty in our annual programme was our popular day trip to Lundy, cancelled for the second year in succession, an event normally enjoyed by up to 150 members. Branch meetings and Field Meetings were also cancelled for much of the year.

In the words of my predecessor, as a charity whose overarching focus is primarily dedicated to the study and conservation of birds, there have still been matters that need to be attended on almost a daily basis. Set out below is a report on these activities during 2021 whereby as far as has been possible, we have continued to pursue our goals and objectives.

Council initiatives and Organisational Improvements

Charitable Incorporated Organisation

Following approval at the 2019 AGM, a decision was made for Devon Birds to follow the advice of the Charity Commission and move to a Charitable Incorporated Organisation (CIO) with a modern, incorporated legal and governance structure.

A process was put in place to form a CIO, transfer the assets and liabilities of the unincorporated¹ entity to a newly formed CIO² and dissolve the old charity. Council settled on the legal firm of Tozers for professional advice in guiding the Society through the transition including the transfer of assets from the old to the new entity and registering the real property with the Land Registry. A new constitution was drafted and approved by Council. By establishing a CIO, the titles to our reserves are held by the new charitable entity, liability is limited to the CIO rather than the Trustees and the new entity can be party to a contract in its own right. Being satisfied that expedience was in the interest of both charities, the Charity Commission's approval of the transition was received 14 December 2021. The new entity is effective as of 1st January 2022. Our bank and insurance underwriter have been notified of the change in ownership. Tozers' professional fee estimate of £8,400 including VAT was approved by the Trustees.

Changing the legal structure of our Society to a CIO represents an advantage over the old charitable structure where some of the Society's properties were held in the names of former trustees no longer active in the Society. Under the new legal structure trustees and members have no liability for Charity debt.

The old charity is to remain in place for the time being. As a result, Trustees will be able to use the provisions in the old charity's governing document to transfer any emergent or future legacies from the old charity to the CIO.

On behalf of Devon Birds, I'd like to thank our Treasurer, Simon Churchley, for his diligence in overseeing this essential task.

Devon Birds Strategy

Prompted by discussion at Council, it was agreed that a more pro-active approach or strategic review was needed to determine the best use of Devon Birds' resources for funding activities designed for the conservation and preservation of Devon's birdlife.

¹ "unincorporated entity", "Society" or "old entity" means Devon Bird Watching and Preservation Society (228966)

² the "CIO" or "new entity" means Devon Birds (1191647)

In the first phase of this initiative, a series of surveys and consultations on current activities at Branch level were undertaken to identify all ongoing conservation initiatives, projects and partnerships that are managed, conducted, or supported by Devon Birds. An extensive series of questions were sent to Council members, regional branch teams, reserve managers, and other knowledgeable individuals active in their support for Devon Birds. The topics covered included bird reserves and their management, the bird species they protect, biodiversity measures, the type of habitat, access, partner organisations and collaborations, research activities and regional conservation challenges. Their feedback was used to formulate a series of priority areas for further consultation and discussion with the wider membership. Through these surveys, it was found that although some activities differed between regions, there were common themes and importantly, many partnerships with other conservation organisations operating at regional levels. Clearly, it would be more effective for Devon Birds to engage with these organisations, share resources and offer project support.

Using the detailed feedback from the questionnaires, five priorities or themes were identified for focussing our support: Habitat Protection and Connectivity, Sentinel Species, Monitoring, Education, and Partnerships.

At the next step, in early 2022, small working groups will be formed to take these themes forward and address the support needed from Devon Birds. The results of the strategic review will be made available to all members for consultation. The feedback and views received will be considered before a final strategy is produced.

In conclusion, the overall aim of the Strategy is to help create a more inclusive and effective method by which bird conservation and protection can be supported, and in turn provide the path to a clearer and more sustainable legacy for Devon Birds. It is recognised that some regional conservation activities operate with great effect, largely due to the efforts and energy of individuals, and the goal of any future strategy is to seek how it can better support those initiatives and individuals in their on-going work.

Devon Birds Strategy is spearheaded by Charles Tyler.

Conservation Advisers

At the Council Meeting, 20th October 2021, Graham Burton and Dr Paul Fitzpatrick, members of Devon Birds, were co-opted on to Council as Conservation Advisers, their office to be formally agreed by vote at the forthcoming AGM, 30th March 2022. This new role is in part designed to support and assist in the development of the Devon Birds Strategy, our plan for the protection and enhancement of Devon's birdlife in the future.

The two new Conservation Advisers will have different but adjacent roles designed for their separate skillsets. The roles might therefore be better described as either Internal or external, or inward facing or outward facing. Inward facing is a consulting role in the management of our nature reserves and other natural places while outward facing is largely an advisory role, nationally and locally, with a strong scientific and evidence establishing function. Graham Burton is to take the internal, inward facing role and Paul Fitzpatrick the external, outward facing role. Council expects the two incumbents to cross work and offer mutual support on engagements.

Their responsibility will include the following activities:

- Helping Council refine evolving strategy(s) for the conservation of birds
- Liaising with external partners across the region to develop existing and new conservation projects inclusive of surveys, with our Sentinel species at the fore.
- Monitoring local and national government conservation measures, environmental actions, and laws, liaising with statutory agencies on bird conservation and concerns where appropriate.
- Representing Devon Birds' interest in local and national biodiversity action plans in partnership with local and national statutory, planning, research and voluntary organisations.
- Liaising with other wildlife groups inclusive of, but not limited to, RSPB, BTO and DWT.
- Reviewing new and contemporary research relevant to the interests of Devon Birds, inclusive of scientific papers, seminar attendance, journal reviews and external events.
- Establishing a strong scientific and evidence-based review, for Council, on all matters of interest and engagement where relevant.
- Taking lead on matters of ethics and cultural cohesion, reporting to council.
- Assisting Council and membership to identify priority species and habitats as part of its evolving strategic review.
- Liaising and supporting our internal conservation and reserve managers at DB reserves, and
- Acting as an advocate for Devon Birds and representing it the Society at events.

Website Design and Development

The Council has made significant progress in its effort to seek the services of a website designer to upgrade and enhance the Devon Birds website with a greater number of options and a change in format.

A project plan was presented to our current website provider, Chris Wright, but his business model has moved in a different direction away from website design and was unable to help

in this matter. Instead, he offered to guide and support Devon Birds in selecting a new website designer and programmer and assist with the migration of service. Devon Birds appreciates his generous assistance in this matter.

Two rounds of discussions were held with prospective website designers. Proposals and bids were requested for the design and programming of a new website. Two firms were considered to be better suited to offer the design and options in mind.

The proposal and quote from Guy Collins was viewed to have most closely met our requirements. His experience in website design was an important consideration and his services also provides for ongoing support that was missing from competitive bids. Essentially, he will take our specifications and determine page layout, graphics, text location and colour for the website. A menu will be conceived as well as the prompts and method to navigate and cross-link from one page to another. The designer would also programme and possibly create the graphic artwork for the site. His initial quote was estimated at £7,000 plus VAT, but we expect the final cost to be closer to £9,000 after changes are considered and additional features added in the final stages of the project. Our agreement states that Devon Birds will pay a monthly fee of £50 to Guy Collins for hosting the website, making security updates, and providing ongoing support. Otherwise, Devon Birds expects to manage most aspects of the website itself using inhouse expertise.

Since being appointed, Guy Collins has continued to work on the detailed specification and recently started building the website. He has provided two sets of sample webpages to illustrate the anticipated design, which have been shared with the Executive Committee.

Once work is complete, the new site will have a greater range of functions than the old, but importantly will be on a standard business platform that can be migrated more easily should we have to change the website provider. Packaged software will be utilised to support our data. Importantly, Devon Birds will be able to control and manage the site; access will be limited to selected users to ensure security of data.

The site will also include our online shop and Facebook and Twitter feeds. A new page for Bird Sightings will feature a more manageable format.

It is hoped to have the new website running by May 2022.

In the meantime, the existing website has been upgraded with additional information for members to reference. For example, members may now access various documents including our Annual Reports and Minutes, governance policies and procedures, insurance policy, forms required for the Records Committee, PDFs of Devon Bird Reports and Journals, the Atlas and other documents. There are also links to the websites of other bird and wildlife organisations.

Website development is led by Tony Utting

Youth Development Officer

For some time, Council has expressed concern that there are too few youth members for the good of our Society's future. To improve the situation, Council agreed to co-opt Rea Sim to develop a Devon Birds youth programme. Her position on Council will be ratified by vote at the AGM on 30th March 2022. Rea is a Lecturer in Animal Management and Science, Department of Animal and Land Based Studies, South Devon College, Paignton.

Devon Birds would like to attract more members aged between 16 and 25. It is offering a concession of free membership to this age group. There is a plan to recruit youth leaders from universities and colleges who would be tasked to promote and encourage new members at the local level from regional BTO youth groups, universities and college campuses. Our website is linked to social media platforms including Twitter and Instagram feeds. We hope to deliver YouTube videos and make Devon Birds more visual on social media, using it to promote opportunities for younger people to become involved and participate in workshops, field studies or the maintenance of our bird reserves.

Support for Research

The Council of Devon Birds has funds in place for ongoing support of conservation and academic research activities. Research has been significantly constrained as the RSPB, BTO, Natural England and other conservation organisations slowly rekindle their programmes after a halt in activities in 2020 caused by the restrictions imposed by government. For example, we have £1,500 budgeted as a contribution towards the funding of the Curlew Reintroduction programme but the project was delayed by a year due to the pandemic. This year was the first year of operation. At this stage, focus is mainly limited to planning and start-up, funding for which is provided by the Duchy. It is still too early for a call for grants to fund the project, but our contribution might be directed towards monitoring activities when and if the birds return to Dartmoor.

In addition, there are two projects at the planning stage that Malcom Burgess, the RSPB Conservation Scientist, will lead. They will require funding and we anticipate helping in this regard. The following outline is an edited extract taken from Malcolm's email describing the extent of the two project proposals. Both are designed to complement the work already undertaken on Flycatcher migration.

1) The annual altitudinal cycle of the Pied flycatcher. This is a proposal designed to build on the work previously conducted on the migration of Pied Flycatchers by using completely new tags designed to record light. The results can be used to estimate migration locations and timings, but also temperature and most excitingly air pressure. Recent work shows the migration route and stopovers for this species, but the air pressure will enable researchers to identify several other behaviours unknown for long-distance migrant songbirds, namely the flying altitude when flying over barriers such as the Sahara, the extent of sea crossing during migration and, the altitude of the stopover and wintering areas. This knowledge can help to refine the geolocation by light analyses, and show if, and exactly when, birds change territory during the winter. It may also help to understand how individual birds respond to adverse conditions faced on migratory flights and how it influences stopover behaviour. This information furthers work on understanding the pressures birds face on migration, which look likely to be a survival pinch point and so influence population size. Funding from Devon Birds could help support the cost of tags as well as the cost of a PhD student to analyse the results and write the findings.

2) Post-fledging dispersal behaviour. A proposal to investigate the most unknown part of the annual cycle of dispersal and survival of Pied Flycatcher fledglings, again using new technology. From the massive PiedFly.Net database just 9 fledglings have been recaptured or found dead between ringing as chicks and their first autumn migration, all in a southward direction and into non-wooded habitats. Other than knowing they leave natal woodland soon after fledging we don't know about the habitat they use, how far they range, visit potential future breeding sites or anything about survival. This is project in cooperation with Exeter University using Motus tags (a bit like radio tags) and receivers. Motus tags are put on flycatcher chicks (1 per nest) just before fledging and fall off after a few weeks. In that time, their movements are recorded by a network of about 6 receivers which pick up the signal sent by the tag. Receivers have a range of about 6 km and would be located to cover birds fledging from East Dartmoor NNR. Locations can be calculated through triangulation and signal strength. Exeter University has some of the equipment including receivers that can be used but more tags will be needed as well as the field staff to set up and maintain the receiver network and tag birds from monitored nests.

Branch Activity

East Devon Branch

East Devon restarted its walks in the autumn. It decided to make pre-booking a requirement, which has worked well. The walks were very successful. At least 56 species were seen on a walk from Powderham Church to Turf Locks. Although Jonathan Ruscoe has stepped down from leading the walks, he continues to organise and help the new walk leaders with his extensive knowledge throughout. East Devon's 2021 AGM was cancelled because of ongoing Covid restrictions and instead, membership was emailed with details of the branch status and finances.

Taw & Torridge Branch

There were no branch walks or indoor meetings in 2021. Volunteers focused on supporting local House Martin and Swift box schemes, working at Godborough, Bradiford and other local reserves and helping in surveys across North Devon. The Branch committee met to plan the Branch agenda for next year, 2022. John Towers announced his intention to stand down as Branch Chair but will continue as Branch representative on Devon Birds Council. Norman Briden will stand down as outdoor walks coordinator. Members have volunteered to coordinate and lead walks for 2022. The Branch AGM is typically held in March, but indoor meetings will not take place before September. A zoom call is likely to prevail.

The Taw & Torridge Branch is monitoring the progress of the North Devon Biosphere's Nature Recovery Plan. Devon Birds is a signatory and an active participant in tackling the ecological emergency in northern Devon, aligning with the Government's 25 Year Environmental Plan. The NDB is in the process of setting timescales and targets for nature improvement within the reserve.

Plymouth Branch

After lockdown, outdoor meetings were restarted. Of the four events held, only 11 enthusiasts were present for the initial one, but interest grew, and, at a later date there were 25 in attendance. This meant dividing into several groups.

Currently, no indoor talks are planned even though the venue is open for bookings. The meetings are well advertised in advance each month by the branch Secretaries. A branch report and the report of the AGM were sent to all members.

The programme for Outdoor Meetings for 2022 is complete. Two events have been planned at Saltram: one for those who have less birding experience and another for the public.

Three surveys on the Flete Estate were completed last year by several Branch members.

Members of the Committee are pleased to be involved again for the year and a twelfth member was added. Membership of Plymouth Branch is up to 340 from 280 households.

A recent project 'Bee Wild' has been set up by those living in Yealmpton, South Hams, to review and improve the ecology around the village. Support and advice were given by two Committee members.

Plymouth Branch was asked to help lead a walk locally for a 'Creative Women Birders' group. The project is run by Claire Calverley with funding from The Arts Council. Through a Facebook page, women birders are invited to share their bird recordings, artwork, writing and music.

Four members agreed to accompany 5 'birders' for an introductory meander around Saltram NT on 11th October for two hours. A write up of the event was published in the BTO magazine.

South Devon Branch

South Devon reported that there were no indoor meetings and only three field meetings in 2021, two of which were led by Nick and Sara D'Agorne, the other by Mike Langman. The field meets were well attended. A full calendar of indoor meetings is scheduled to be held in 2022 at Newton Abbott starting in January.

Mike Goss, Branch Secretary, intends to stand down at the upcoming Branch AGM. He sees a very positive future for the group with new and motivated people at the helm.

Mid Devon Branch

Mid Devon cancelled its schedule of walks for much of 2021 but by September the rules had relaxed sufficiently to allow the first outdoor meeting of the year to take place at Exminster Marshes. Other walks followed in consecutive months with trips to Burrator Reservoir, Crowdy Lake, Dawlish Warren, Roadford and lastly Molland Common in Exmoor where members had clear views of a female Merlin preening in a tree.

The Mid Devon Branch AGM was held 17th November at the Boniface Centre in Crediton. There are 5 committee members. The committee would like a volunteer to serve as Branch Secretary. Please contact the Chairman if you are interested helping with branch matters.

A full list of walks is currently scheduled for 2022 including a family event to be held jointly with DWT at Meeth Quarry on Saturday 5th April where two guided walks will take place, one for teenagers and one for young children. Digby Greenhill and Rea Sim will lead the walks.

The Branch can report that Swifts were seen at each of the four churches where Swift boxes and callers were placed in position in the bell towers. Branch members have yet to review the boxes for evidence of nesting.

Mid Devon has received a request for another bird survey at two adjacent farms in South Tawton with plans to rewild. The survey has yet to be planned. Anyone interested in participating should contact the Chairman.

Reserve Activity

Godborough Castle Reserve, Kenwith Valley

Reserve Manager Philip Marlow reports that one of his key aims is to increase the diversity of wildflowers on site. This year, Bumblebee Conservation Trust stepped in to help with advice, financial support and seed. The Finch Field was power-harrowed and a meadow mixture sown by hand and trodden in by sheep. Plug plants were planted and a pond side type seed mixture was sown around the ponds. Other plants raised by volunteers were used in the grass margins between the woodland and the fences.

Mandy and Chris Dee visited to review the species of fungi on site. Their initial conclusion was encouraging for the reserve has a large number of interesting species, especially grassland species including the surprising Orange Pingpong Bat Fungus from Madagascar. The upper sections of the Furze Break were particularly rich in species, even late in the year. The Dees will be visiting throughout next year to provide further advice and support.

The fencing along the Coffin Lane boundary will be finished in January. The aim of the reserve is to secure its perimeter.

This year, I joined Philip and other members for a walk through the site on an open day in October. Having helped to fight the development application on land across the valley, it was gratifying to hear about the different projects that have changed the land use from secondary pasture to a rich and varied landscape. Trees planted 25 years ago have matured while open grass meadows allow pockets of different habitat to form. I encourage you to visit the reserve. There is a mix of both woodland and open country species and Godborough is sited next to Northam Burrows, where flocks of wildfowl and waders can be seen at close quarters at high tide. If you would like to visit Godborough, please contact Philip Marlow for the key codes but note that there is a no-dogs policy.

Early in the year, Devon Birds was able to sell Turners Wood Garden, a parcel of land that was considered surplus to our requirements. It was of very limited "birding value" and

deemed a liability due to deferred but essential tree maintenance that would have diverted funds and volunteers from the adjacent Godborough Castle reserve.

Bradiford Reserve

Reserve Manager Tim Smith reports that a Kestrel box was installed in February, and in March 100M of stockproof fencing was erected to enclose some newly planted Devon Free trees, using bio-degradable tree guards to protect against potential damage from Roe deer.

Over the years, vegetation had reduced the expanse of open water at high tide by half. Work commenced 20th August to form a tidal scrape. Vegetation was pulled back and packed down onto the existing bank. The channel for the fresh water was cleared, leaving the small island at that end intact. Now, at low tide, varying levels create pools and puddles, and fresh water dribbles across from the springs. At high tide, the water attracts the birds. In the fresh mud, tracks of Roe Deer, Fox and Otter were recorded immediately after work was completed.

So far, Autumn migrants include Green & Common Sandpiper, Wheatear & Whinchat. The latter two species are new records for Bradiford. Teal & Snipe returned for the winter.

Last winter, cattle grazed from September to late November. Sheep were introduced in January and February to reduce rank grasses down to a sward while leaving bare patches for ground nesting species. Spring 2021 saw fresh growth of many grass species and the wildflowers from the seedbank included a few Southern Marsh Orchids. Butterflies have thrived on the wildflowers this year. On two occasions in late August, there were counts of over 50 Small Tortoiseshell butterflies on Creeping Thistle. The cattle created clear water through the Phragmite reedbeds which grew back strongly to the benefit of breeding Reed and Sedge Warblers, and Reed Buntings. The same grazing routine is being implemented for this winter season. This year's work plan will entail coppicing willows in the woodland clumps and replacing dead trees with saplings. A survey of grasses and wildflowers, butterflies, moths and possibly spiders are scheduled for Spring and Summer. There is also a plan to cut back the Himalayan Balsam in the river. When all the stock animals are removed, a Trailcam camera will be deployed to hopefully record the Otter once again.

South Milton Ley Reserve

Reserve & Conservation Officer Nick Townsend reports that in December 2021 the path through the Reserve was re-routed at the seaward end to improve visibility and accessibility to the Reserve from the South West Coast Path. Potential disturbance to houses nearest the Reserve will be reduced. Notices have also been erected to indicate that the paths through the Reserve are "permissive" after an agreement signed with the South Milton Parish

Council. In addition, signs displaying “conservation area”, “no dogs” and “no cycling” have also been erected in appropriate places.

The paths through the Reserve were well used throughout the year by both locals and visitors. Early indications are that re-routing the path at the seaward end has been well received but with few exceptions.

In early August, a complaint was received that children had fallen ill after swimming/playing in the lagoon within the Reserve behind the sandbar on South Milton Sands. South West Water eventually conceded that there had been a number of overflows from their treatment plant. It is debatable whether the water in the lagoon is fit for swimming in any case as it often ponds behind the beach sandbar for weeks. South Hams District Council subsequently erected signs warning of the danger of entering the lagoon and are considering putting up further signs. South West Water is preparing a plan that will reduce phosphate discharges and overflows from the treatment plant by 2025.

South Huish Reserve

Reserve & Conservation Officer Nick Townsend reports that the scrapes and meadows have flooded on many occasions in the last year due to the outfall being blocked by sand after storms. The outfall is the responsibility of the National Trust. The National Trust has been diligent at clearing the obstruction, but sometimes the area is flooded for weeks. The National Trust has advised a permanent fix should be completed by spring 2022.

As a result of the flooding, it has not been possible to maintain the water in the scrapes at the optimum level. This has affected the numbers of birds present, particularly waders. It may have also affected some of the rare flora which have been submerged for prolonged periods.

The Highland Cattle were unable to graze the meadow beyond the scrapes as it was too wet. This area is therefore more overgrown than is usual, but it is hoped that this problem will be redressed in 2022.

In spring 2021, officers from DBRC (Devon Biodiversity Records Centre) carried out a survey for water voles at South Huish. Numerous signs of their presence were found despite the site being flooded so frequently. The survey was extended to South Milton where a significant population was also found. The surveys were subsequently extended by members of Devon Birds and the National Trust, following training by DBRC. Signs of otter were also found at both South Huish and South Milton.

South Huish was again well watched by members as well as numerous visitors. Despite the flooding and lockdown restrictions, there were some excellent bird sightings including Ring Ouzel, Grey Headed Wagtail and a Desert Wheatear at nearby Leasfoot Beach.

Velator Reserve

Reserve Manager Jon Turner reports that 106 species have been recorded this year. Highlights have been a Black-winged Stilt which was out on the scrape for four days at the end of July and a Cuckoo heard (odd tri-syllabic call) on 9th May. A Red Kite was seen outside the reserve briefly on 17th March. As many as 7 Cattle Egrets first observed outside the reserve were seen to fly in for two weeks in mid-September after being disturbed. Knot, Dunlin, Little Stint, Pintail and a Greylag Goose put in brief appearances around the reserve. A Ruff in breeding plumage with a black ruff spent two days at the end of April; four others turned up in mid-September, at least 2 of which stayed for another two weeks. A Glossy Ibis was recorded on six days this year and a Woodcock was seen in the reserve twice this year. A Little Ringed Plover also was present on the scrape on 18th April. Siskin were recorded on six days.

Corona virus continued to have a bearing on the activities in the reserve and I have yet to invite volunteers back to help with the workload.

Environment Agency staff dealing with Ash trees near Wrafton Pond were asked about the dying Ash trees in the reserve. Their advice was to leave them in place given that public access is virtually nil. Storm Arwen took its toll on a couple of trees, one a very large Leylandii. Fortunately, the tree fell inside the reserve without damaging the fence. Smaller trees are easier to deal with but fortunately my son has helped with the bigger bits.

I've been reasonably successful with beating the duckweed. The water has been clear for a few months now. No doubt it will return when the temperature warms. However, with a clear surface, I have discovered there are fish other than the Sticklebacks introduced for the Kingfishers and Little Grebes. I took a photo of a dead fish and posted it on a couple of websites for identification. The most common answer is a Thin-lipped Grey Mullet. I had assumed that Mullet are a saltwater fish and therefore wonder how they have entered the pond and survived in good numbers. I counted about 60 on one day!

An Otter predated all the juvenile Canada Geese and probably the Little Grebes and Moorhens.

In conclusion, 2021 was another disappointing year. A total of 849 birds were ringed. In comparison, the record is 1,655 in 2011. 13,033 ringed since I started at the reserve.

Other Reserves

There were no matters of material interest at Prawle Point Reserve, Pig Nose Valley Reserve, and Beesands Ley Hide.

Slapton Bird Observatory

Ringling at Slapton is usually carried out during May to Oct mostly operating from the cabin. When ringers are in residency, observational data is also noted and reported to Devon Birds for inclusion in the Annual Report to add to the picture of migrants moving through the area.

Regular records are gathered by local bird watchers in particular, starling, swallow, and wagtail roosts, as well as breeding warblers in the higher ley, nesting attempts and subsequent chicks produced by Great crested grebe, Coot, Mute swan.

This year, 1,620 new birds were ringed on the reserve plus 52 swallow pulli ringed on farms within the Slapton catchment. The numbers of migrants moving through the site were significantly lower than in previous years suggesting a poor breeding season mirroring the initial findings of the BTO.

Comparison with 2020 (even though we were in lock-down for most of the breeding season) and where species show statistically significant changes they were all negative (i.e. Swallow -24%, Sedge W -44%, Blackcap -31%, Chiffchaff -42%, Goldcrest -87%). Other species of interest were Grasshopper W -41% & Willow W -17% but Cetti's W +23%, Reed W +14% & Whitethroat +21%, but these changes were not statistically significant.

CES (Constant Effort Scheme) was resurrected again this year after a lapse during lock-down in 2020 to gather long term data on breeding and fledging numbers which the BTO can use to determine trends in bird populations. A comparative analysis with previous years will appear in the Group's Annual Report in due course.

The Torcross Swallow roost was sampled regularly this year during July-September, with the usual interest shown by families, both holidaymakers and locals alike. It is always most important to enthuse and 'sow seeds' in the younger generation, swallows being an ideal species to allow children (and interested adults) close access to birds in the hand. The roost deteriorated during September with birds moving through rapidly without stopping, hence much lower catch totals than normally expected. Movements of ringed birds include a couple of Swallow pulli from farms near Dartmouth to the Torcross roost, an adult found dead near its breeding site near Ipplepen and a fast movement of a juvenile to Alderney.

Other movements - We don't usually get significant movements of Cetti's Warbler but during October this year a bird from Stalbridge, Dorset was found at Slapton, and one of our birds moved to Kenfig NNR, south Wales. Sedge Warbler movements included one overnight to

Land's End, a bird from Cape Clear, Co.Cork, and one to Faro, southern Portugal, both within the autumn of 2021, and birds from Loire-Atlantique, France and to Bardsey Island in subsequent years. A Reed Warbler from 2019 was controlled at Swindon in May this year, and one of our Blackcaps from 2020 was controlled near Faro, southern Portugal in October.

We are always very keen to have FSC Field Centre groups along to discuss what bird ringing is all about and a ringing demonstration was provided to students from University of South Wales (split into 2 groups), future conservationists.

Celebrate Start Bay - as usual, the group attended this annual public event held at the Field Centre which gave the group members a chance to talk to people about birds and ringing whilst encouraging people to join Devon Birds.

Bird Surveys

Cove Down Bird Survey

Cove Down is a rewilding project located north of Tiverton jointly managed by neighbouring landowners, the Cruwys family and LACS. This is the third year of Devon Birds' ongoing monthly bird survey, but scheduled counts were cancelled for the first 6 months of the year because of Covid. Efforts resumed in July. The site is part of an old farm, steep in places but offering a healthy mix of land uses: beech woods adjoin the edges of an ancient open field system, mature trees line field boundaries and a conifer plantation slopes downward to a stream and mixed woodland. Rewilding is evident at the edges of the fields, where brambles and shrubs encroach. Human disturbance is minimal. Devon Birds has recorded a total of 61 bird species at Cove Down.

Elston Farm Bird Survey

Elston Farm in Copplestone near Crediton is participating in a pilot study in the use of Silvopasture, a new regenerative agricultural technique designed to increase overall productivity from livestock by introducing a combination of different trees planted into a forage production system. It is hoped that the benefits of this technique will sequester carbon, reduce flooding, increase drought-resilience, improve animal health and weight and boost biodiversity. Elston is one of about 14 farms in the world currently participating in this study, planting 5,600 trees on a 165-acre farm. Trees have been provided by Woodland Trust. The project plan also calls for certain fields to be sown with wildflower seed and local wild birds to be fed a bird seed mixture each winter. Historically, the land has been intensively farmed. There is no doubt that the project is helping to improve the land. Devon Birds bird survey started in June 2021. Thirty-eight species of birds have been recorded to

date but there is hope that the change in agricultural practice will result in a steady improvement in diversity and abundance. Elston's pilot study was recently featured on the television programme Country File.

Hatherleigh Moor Nest Box Project

Digby Greenhill reports that of the 36 small boxes, 22 had confirmed bird nests, all Blue Tits. Eleven were unused. Box No.18 has become a bat roost! One box had fallen from its tree while another had serious squirrel damage. The dedicated Tree Creeper box was unused, it remains in situ and empty.

All five Dormouse type boxes had evidence of occupancy, two of which had confirmed Shrew sightings but the species remain unidentified.

Like last year, most of the raptor boxes have attracted unknown occupants. One box contained two abandoned white eggs, probably Stock Doves. A quantity of owl pellets found in one of the two Kestrel boxes were submitted to the Barn Owl Trust for appraisal.

It is evident that there is much activity of an unknown quantity that could be unfathomed with the use of trail cams next year. Many thanks to Jo, Elizabeth and Alan for their time and effort to help record this information.

Swift and Martins

Shaw Edwards reports that with the ongoing Coronavirus Pandemic and the Government's on/off precautionary measures, it has been quite challenging to make progress in the initiatives to provide nesting boxes across the County. Set out below is a brief summary of the activities to date for both of these species.

House Martins

The website set up in 2020 has had less than half the submissions in 2021 than in the previous year. Whether or not this is solely due to the Covid-19 situation is difficult to establish, as reports from the BTO indicate significant falls in House Martin numbers across the entire Country. The comparative numbers are as follows:

Year	Submissions	Bird Sightings	Nest Sightings	Total Nests	Active Nests
2020	260	146	114	434	366
2021	119	55	64	195	163

This large drop in numbers is on the face of it very disappointing, and for 2022 as in the two previous years it will be important for us to ensure that the membership is contacted and encouraged to submit all sightings that are made. There is also still work needed to further revise the format for collecting data on the website and Shaw Edwards will be contacting the Website designer to discuss implementing change to separate the numbers from additional comments to make the summaries easier to follow. The website also shows a very useful map of Devon with the location of the submissions which gives a very good overview of the overall distribution of the species distribution across the County.

The other main activity has been the distribution of the eighty nest box pairs that were purchased in 2020. These have been given out across the five branches. To date only North Devon has reported that none of the 17 boxes have been utilised by House Martins to date. Other branches are yet to submit any returns.

Swifts

During 2021 there was encouraging interest expressed in installing individual boxes on private residences in North Devon and 11 Swift Boxes have been put up. The other Swift box schemes have all been for “stacks” in churches. In North Devon a stack of four has been installed in St John the Baptist Church in Meshaw and in the last week in July three swifts were seen inspecting the boxes over several days which may well indicate that there will be a take up from some birds in 2022. Two other Churches were approached, one has refused, but the Bell Captain for the other one, West Worlington will be approaching the PCC for discussion of the possibility of a scheme for 2022. Mid Devon has installed boxes in four churches and we will be receiving more information on these in due course.

Two other schemes started in 2019 and 2020 have experienced problems. A faculty was granted by the Archdeacon for boxes to be installed in the Church in Hatherleigh. However, the Archdeacon required a further faculty for the electronic caller to be plugged into an existing power socket. This faculty was not granted. Further representations were made to reverse the decision but to no avail. For the time being we will leave the boxes in situ to see if any birds find them, but without a caller in operation it is unlikely that they will ever be occupied. The other scheme in Ilington ran into difficulty with complaints from the Bellringers that the boxes were affecting the sound of the bells. The acting PCC Chairman has required that we remove the boxes that had been installed in 2019 which we have done. The boxes will be reutilised in due course in another church when possible. A local member of Devon Birds is making representations to the Archdeacon to see if the boxes can be reinstalled so we will wait to see the outcome before we reallocate the boxes.

For 2022 we will be circulating the membership to see if we can find further opportunities for the installation of boxes both for individual houses, and for any further church tower schemes.

Risk Management

A strategy of Risk Management is incorporated into our Society's annual management process. Trustees are required to annually review and assess the risks the Charity faces in all areas of its work across the undermentioned categories and, where necessary, plan for the management and control of those risks:

- governance
- operational risk
- finance risk
- environmental and external risk
- law and regulation compliance risk

Each identified risk is reviewed to determine how likely it is to occur and how severe its impact would be if it did occur. High risk assessments are reviewed with the aim of reducing that risk through control procedures. The Risk Assessment policy is maintained on our website together with various policy documents:

Devon Birds Report

Mike Lock, our long-time editor of the Devon Birds Report ("DBR") announced to Council that it was time to step down and make way for someone new to take on the role. I'm pleased to say that Martin Overy has agreed to succeed Mike as Editor and Peter Howard has accepted the role of Copy Editor; both are section writers for Waders in the Devon Bird Report. On behalf of Devon Birds, I wish to record our appreciation for Mike Lock's long-time devotion to this task and for setting the standard for a report of this kind. Mike will continue to edit Devon Birds journal, contribute articles for publication and participate on Council. Similarly, I'd like to record our thanks to Martin Overy and Peter Howard for stepping forward and volunteering for this important position.

Financial position

In relation to the Finances of Devon Birds there is a separate and comprehensive report prepared by the Treasurer, where, it can be seen that the overall financial position continues to be healthy.

Membership of Devon Birds and Changes to Council

Membership increased this year; 148 new memberships were issued. Devon Birds has 1,378 members as of 31-December 2021, a net increase of 83 on last year.

At this stage, I'd like to mention Shaw Edwards, Chairman of our Society for the last three years until his retirement in March 2021. His tenure is evident in some of our forward thinking and ongoing initiatives including the change in the status of the charity and our Conservation Strategy, both discussed in this report. There is no doubt the Society has benefitted from his pragmatic leadership and on behalf of Devon Birds I'd like to convey our gratitude and wish him well in future endeavours. He has announced he is leaving the Council after the AGM.

I would also like to record our thanks to Stella Beavan who stood down from Council this year. We recognise her contribution to the production and publication of the 2013 edition of the Devon Bird Atlas for which Stella was Editor with Mike Lock. It will remain a testament to her knowledge and skillset, and a legacy of her contribution to the Society. Stella continues to manage the BTO/JNCC/RSPB Breeding Bird Survey in Devon.

Also, I would like to thank Mike Goss for his contribution to Council. Mike is standing down after 6 years representing the South Devon Branch.

In Conclusion

Devon Birds is now a newly created Charitable Incorporated Organisation ("CIO") with a modern, incorporated, legal and governance structure that holds title to all its properties in its own name. Charity law continues to apply, requiring the CIO to report and file its accounts with the Charity Commission.

The change in the legal structure of Devon Birds emphasises the ongoing need to ensure that the process of governance is up to date and relevant. Decision making, accountability, control and behaviour have been reviewed by the Executive team and the Council. Policy documents are maintained on the website and are available for members to review.

The Council of Devon Birds endeavours to meet the expectations of its membership. When completed, our Conservation Strategy will provide accountability and efficiency in the way

our Society selects and uses its financial means to support the most important and effective conservation projects and practices.

It is clear, that as a Society we must place greater emphasis on attracting younger people and maintaining their interest. We've started the process by inviting Rea Sim to act as the Council's lead in this initiative. One idea to be tested is the Devon Birds/DWT Easter Holiday Family Event at Meeth Quarry Reserve scheduled for 9th April but our emphasis will be to create a youth group for older teens, engaging them in practical avian measures including bird reserve maintenance, ringing, bird counts, research and surveys.

Our Executive Committee has agreed that more attention should be paid to the use of Twitter as a platform for members and especially younger members to share their bird observations and news. It is a simple way for members and followers to communicate and is already in use with Devon Birds.

Devon Birds is a society of enthusiasts. I encourage you to participate in branch activities and take advantage of the events we are planning for this new year. Let's all hope that the Lundy trip can take place as planned on 22nd May, departing from Ilfracombe.

Nicholas Armstrong

Secretary's Report

2021 was another difficult year due to the ongoing Covid19 pandemic. Most of the Society's meetings were conducted via Zoom, during the year, with decisions and normal business completed as required, and necessary. All of the normal Society publications were sent out to members as usual. The annual day trip to Lundy was, unfortunately, cancelled again. It is hoped that the trip can resume in 2022. The Annual Draw took place in 2021, and I thank you for the tremendous support.

Mike Daniels

STATEMENT OF TRUSTEES' RESPONSIBILITIES

The Trustees are responsible for preparing the Trustees' Annual Report and the financial statements in accordance with the Trust deed and rules of the charity, applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

The law applicable to charities in England and Wales requires the trustees to prepare financial statements for each financial year, which give a true and fair view of the state of affairs of the

charity and of the incoming resources and application of resources of the charity for that period.

In preparing these financial statements, the trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.ⁱ

The trustees are responsible for keeping proper accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the financial statements comply with the Charities Act 2011, the Charity (Accounts and Reports) regulations 2008 and the provisions of the trust deed. They are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Nick Armstrong

Chairman

Treasurer's Report

We ended 2021 in a strong financial position with a surplus of £8k aided by generous legacies/donations and the sale of Turners Wood Garden.

Payments and receipts were broadly in line with expectation though Reserve expenditure was 30% below. There has been no discernible financial impact from Coronavirus, though it may have something to do with the larger number of new members joining during autumn than usual.

The society spent ~£24k on Projects/Grants and a further ~£10.5k to modernise the societies legal structure, refresh the Website and ensure our archives are secure for the future.

Free Reserves is a measure the Charity Commission uses to 'stress test' charity viability. From our perspective, it defines the available funds after contingency which stand at a healthy £108K (+15k c.f. 2020).

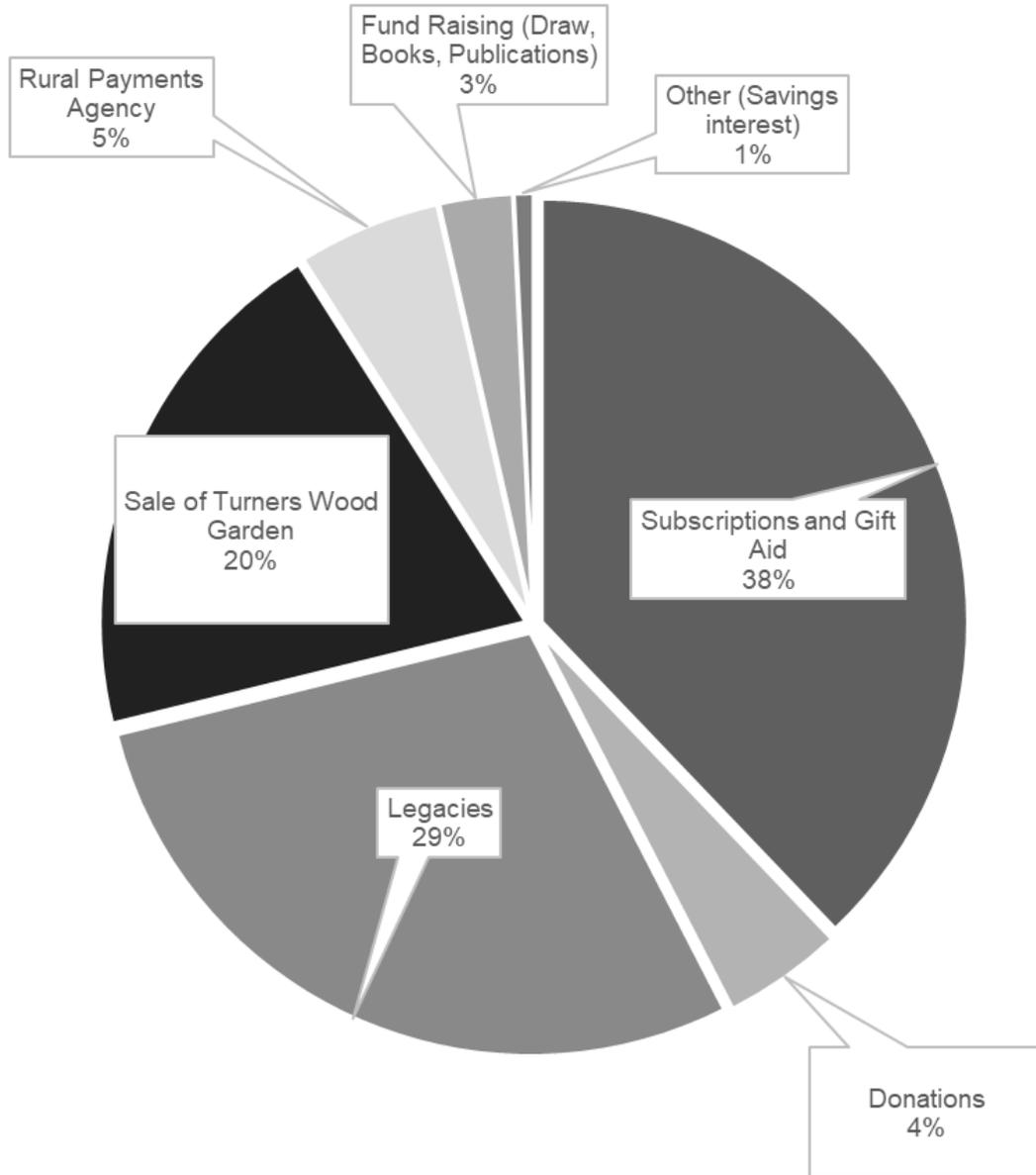
Many of you will have received E-mails or letters that include the data we hold for you so it can be checked and corrected. Of particular importance is the Gift Aid status flag. We can only claim Gift Aid if the donor is a Tax payer and has given us permission. It is the donor's responsibility to advise of any change in status and the Treasurers to keep records for HMRC inspection. Please contact me if you wish to clarify or change your Gift Aid Status.

The following graphics give an annualised view of our 2021 Payments and Receipts. Later in the report are the numbers and notes which summarise the formal accounts reviewed by Thomas Wescott.

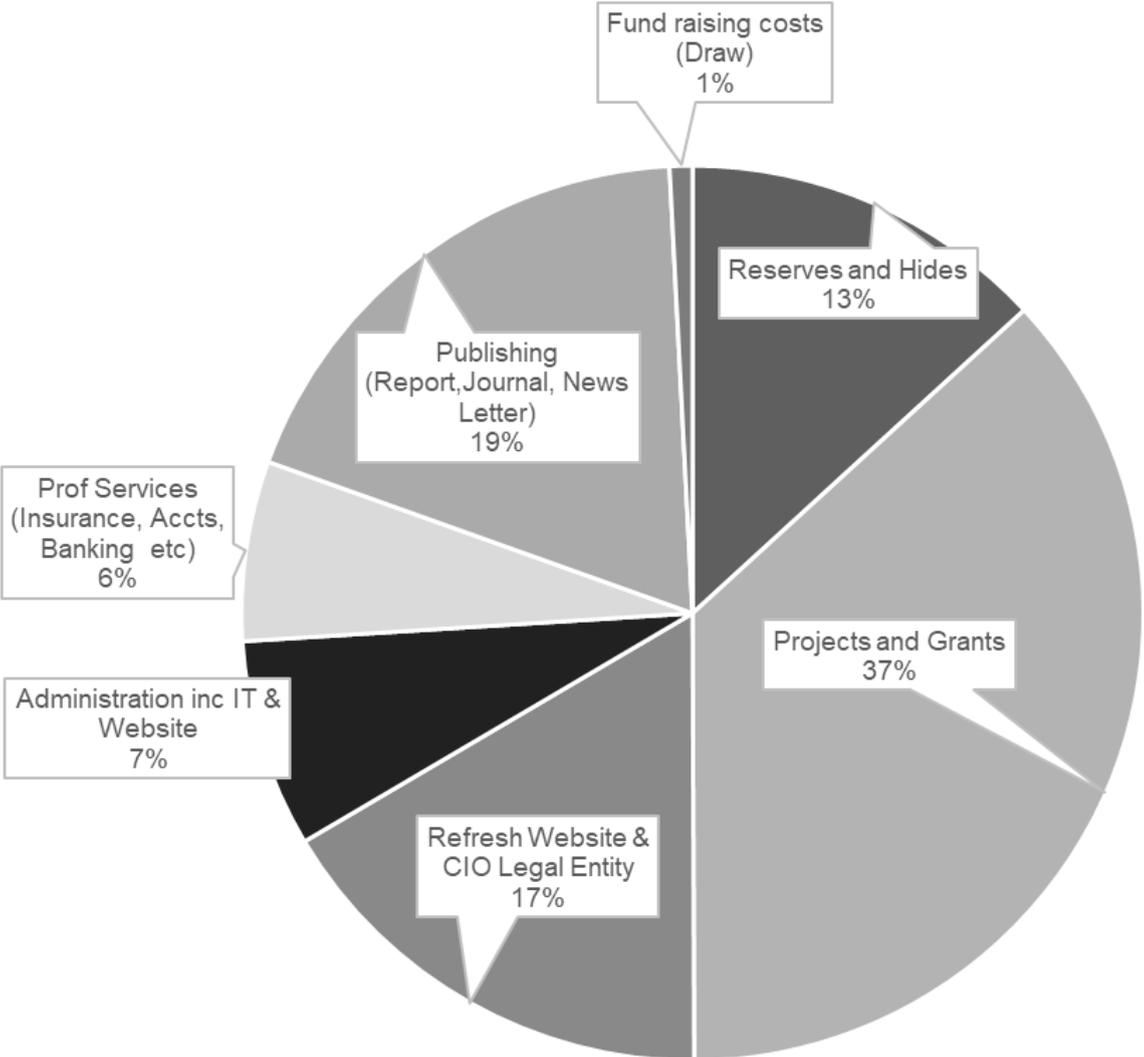
In conclusion Devon Birds has continued to spend significant funds on meeting its charitable objectives and remains in robust financial health to continue its work for the foreseeable future.

Simon Churchley
treasurer@devonbirds.org
07763065029

Receipts ~ £72,000



Payments ~ £64000

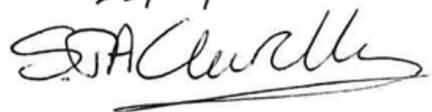


RECEIPTS AND PAYMENT ACCOUNT for the period 31 December 2021							
	Notes	General		Restricted		Totals	
		2021	2020	2021	2020	2021	2020
Incoming resources		£	£	£	£	£	£
Subscriptions and tax recovered	2	27,330.05	24,418.25	0.00	0.00	27,330.05	24,418.25
Donations, Patrons, Legacies and Tax recovered	2	24,088.90	37,914.56	0.00	10,000.00	24,088.90	47,914.56
Sundry sales and events	4 & 5	6,117.04	6,385.28	0.00	0.00	6,117.04	6,385.28
Other incoming resources	3	14,374.00	0.00	0.00	0.00	14,374.00	0.00
Investment income		357.24	995.92	0.00	44.63	357.24	1,040.55
		72,267.23	69,714.01	0.00	10,044.63	72,267.23	79,758.64
Resources expended							
Publications	6	11,596.93	15,535.62	0.00	0.00	11,596.93	15,535.62
Conservation expenses	7 & 8	29,653.02	26,860.71	2,544.00	3,436.59	32,197.02	30,297.30
Other Costs	11 & 12	20,242.98	9,893.89	0.00	0.00	20,242.98	9,893.89
		61,492.93	52,290.22	2,544.00	3,436.59	64,036.93	55,726.81
Net incoming/outgoing resources before transfers		10,774.30	17,423.79	-2,544.00	6,608.04	8,230.30	24,031.83
Gross transfers between funds		0.00	0.00	0.00	0.00	0.00	0.00
Unrealised gain/losses on investments	13	0.00	0.00	0.00	0.00	0.00	0.00
Net incoming/outgoing resources after transfers		10,774.30	17,423.79	-2,544.00	6,608.04	8,230.30	24,031.83
Fund balance b/f		156,170.92	138,747.13	12,729.85	6,121.81	168,900.77	144,868.94
Fund balance c/f		166,945.22	156,170.92	10,185.85	12,729.85	177,131.07	168,900.77

STATEMENT OF ASSETS AND LIABILITIES @ 31/12/21

	Notes	2021 £	2020 £
Fixed assets			
South Milton Ley		55,890	55,890
Prawle		1,800	1,800
Godborough	14	45,984	48,000
Bradiford		17,000	17,000
		120,674	122,690
Investments	14	5,165	5,349
Total fixed assets		125,839	128,039
Current assets	17		
Bank current accounts		3,950	6,930
CAF Deposit a/c		95,726	8,085
Virgin Instant Access		77,454	77,352
Skipton Building Society		0	76,535
		177,131	168,901
Total assets		302,970	296,940
Funds	20		
General		250,129	241,554
Restricted		52,842	55,386
Total funds		302,970	296,940

These financial statements were approved by the Trustees on
and signed on their behalf by the Treasurer.

22/02/2022


1. Accounting Policies

The following accounting policies have been applied consistently in dealing with items which are considered material in relation to Devon Birds' financial statements.

Basis of Preparation

The financial statements have been prepared in accordance with the Statement of Recommended Practice: Accounting and Reporting by Charities issued in April 2014 - CHARITIES SORP (FRS102), applicable accounting standards and the Charities Act, under the Receipts and Payments convention (prior to 2020 an Accruals convention was applied).

External Scrutiny

This years accounts are subject to an 'Independent Examination'. An Independent Examiners report provides negative assurance, namely that no evidence has been found that suggests that the accounts have not been prepared properly, whilst an Auditors report provides a positive statement as to whether the accounts show a "true and fair view".

Fixed assets and depreciation

Freehold land is not depreciated. A register of other high value assets is maintained but under the Receipts and payments convention depreciation is not accounted for. An annual provision for replacements is made within the FreeReserves calculation.

Investments

Investments are shown at market value

Current account Investments

Where General Funds are not expected to be required in the short-term (normally up to one year) they may be placed in appropriate bank or building society accounts with a fixed term of no more than one year.

Incoming Resources

All income is credited to the relevant fund on a receipts basis.

Resources Expended

Resources expended are included in the Statement of Financial Activities in the year paid, inclusive of VAT which cannot be recovered.

Restricted Funds

Restricted Funds relate to donations and grants which have been provided on the basis that they are only used to support a particular activity as explained in note 21.

Unrestricted Funds

Unrestricted funds are those in the General Fund and are available to be spent at the discretion of Devon Birds Council.

	2021 £	2020 £
2. Income from donations and legacies		
<i>Unrestricted funds</i>		
Subscriptions	22,867	20,987
Subscriptions tax recovered	4,463	3,431
Donations	3,146	3,421
Donations tax recovered	95	236
Patrons	150	150
Legacies	20,698	34,108
	<u>51,419</u>	<u>62,333</u>
<i>Restricted funds</i>		
Donations	0	10000
Grants	0	0
Legacies	0	0
	<u>0</u>	<u>10000</u>
	2021	2020
	£	£
3. Other Incoming Resources		
<i>General Funds</i>		
Turners Wood Garden Sale	<u>14,374</u>	
4. Charitable activities		
<i>Unrestricted funds</i>		
RPA - BPS (Godborough, Bradiford, SML)	2,798	2,927
RPA - HLS (SML)	1,129	1,141
Photo Sales	0	0
Sundry income	179	104
	<u>4,106</u>	<u>4,172</u>
5. Other trading activities		
<i>Unrestricted funds</i>		
Fund Raising & Autumn draw	1,398	1,630
Lundy trip	0	0
Sale of goods, Books & pubs	613	584
	<u>2,011</u>	<u>2,214</u>
6. Publications expenditure		
<i>Unrestricted funds</i>		
Journals	6,458	7,134
Annual Report	5,139	8,313
News Letters	0	88
	<u>11,597</u>	<u>15,536</u>

	2021 £	2020 £
7.Conservation expenditure - Reserve and hide management		
<i>Restricted funds</i>		
SML	<u>67</u>	<u>1,063</u>
	67	1,063
<i>Unrestricted funds</i>		
Axe Ringing Group	0	0
Beesands	100	409
Bradford	8,384	1,574
Fernworthy	0	41
Godborough	4,452	2,684
Prawle Point	0	1,507
Roadford	0	3,250
Slapton Ringing Group	801	805
South Huish	0	0
South Milton Ley	2,666	0
Velator	<u>0</u>	<u>47</u>
	16,403	10,317
Total	<u>16,470</u>	<u>11,380</u>

8.Conservation expenditure - Conservation Grants

Restricted funds

Swift and House Martin	2,477	2,374
------------------------	-------	-------

Unrestricted funds

Raptor Forensic Fund	0	750
PiedFly.Net	0	1,250
Pied Fly Infection Research	0	7,103
Bird Life Cyprus - education	3,084	5,000
Archive sustainability	2,260	2,350
Conservation Education	0	91
Devon Community Grants	1,296	
Barn Owl Trust	5,581	
Exe Estuary Partnership	1,030	
	<u>15,727</u>	<u>18,918</u>

9. Unused

10.Depreciation

From 2020 a payments/Receipts approach was adopted for the accounts. As such depreciation and associated assets are no longer reported

	2021 £	2020 £
11. Raising funds costs		
<i>Unrestricted funds</i>		
Autumn draw	530	471
Bank charges	719	698
Lundy Trip	0	257
Membership Support	384	744
Publicity	0	0
Postage, Telephone & Broadband	1,526	1,804
Stationery & printing	1,219	883
Website & IT running costs	1,265	1,401
Website technology refresh	4,280	
CIO legal costs	6,454	
	<u>16,377</u>	<u>6,258</u>
12. Other costs		
<i>Unrestricted funds</i>		
Professional Service (e.g. Ins, Accountancy)	3,491	3,127
Meetings & room hire	303	86
Sundry expenses	10	76
Travel	62	347
	<u>3,866</u>	<u>3,636</u>

**13. Unrealised gains or losses on investments
unrestricted funds**

Not used

**14. Tangible fixed assets - an analysis of opening
and closing carrying amounts**

	Freeholds	4263 M&G Charibond Fixed Interest Fund Income
	£	£
Cost		
At beginning of the year	122,690	5,349
Acquisitions	0	
Revaluations		-184
Disposals	-2,016	
At end of the year	<u>120,674</u>	<u>5,165</u>

The asset value of Godborough has been reduced due to the sale of TWG by 1.3/30.95%. i.e. proportionate to the change in acreage.

15. Current assets - Debtors

A payments/Receipts approach is adopted for the accounts. As such these figures are for information and not formally taken into account.

	2021 £	2020 £
Lundy Trip deposit	450	450
Gift Aid on 2021 receipts	87	
	<u>537</u>	<u>450</u>

16. Current assets - investments

Skipton Building Society	<u>0</u>	<u>76,535</u>
Acct closed in 2021 due to low interest rates and burdensome admin.	0	76,535

17. Current assets - cash at bank and in hand

HSBC current account - Closed in 2021	0	120
CAF Bank current account	3,950	8,810
CAF Bank gold account	95,726	8,085
Virgin Bank instant access account	<u>77,454</u>	<u>77,352</u>
Total	<u>177,131</u>	<u>92,366</u>

18. Liabilities - Creditors

A payments/Receipts approach is adopted for the accounts. As such these figures are for information and not formally taken into account.

Subscription Prepayments	36	750
Invoices expected, but not paid 'in year'.	6,912	5,698
Total	<u>6,948</u>	<u>6,448</u>

19. Trustees remuneration

No remuneration has been paid or is due to be paid to any Trustee or any person known to be connected with them from the funds of the Charity.

Travelling and sundry expenses totalling £370.36 have been paid to 1 trustees and 1 non-trustee during the year.

2020: £347.20 paid to 2 trustees and 1 non trustees.

20. The funds of the charity this year analysis

	Fixed assets £	Investments £	Net current assets £	Total £
<i>Unrestricted funds</i>				
General	78,017.84	5,165.48	166,945.22	<u>250,128.54</u>
Total unrestricted funds				250,128.54
<i>Restricted funds</i>				
Bradiford	8,156.00		0.00	8,156.00
South Milton Ley	34,500.00		0.00	34,500.00
Swifts and House Martin Project	0.00		10,185.85	10,185.85
Total restricted fund	42,656.00		10,185.85	52,841.85
Total assets	120,673.84	5,165.48	177,131.07	302,970.39

21. Restricted funds

	Bradiford £	South Milton £	Swift and House Martin	Total £
Balance b/f 31/12/2020	8,156.00	34,567.49	12,662.36	55,385.85
Receipts				0.00
Interest		0.00	0.00	0.00
Transferred from Conservation				
	<u>8,156.00</u>	<u>34,567.49</u>	<u>12,662.36</u>	<u>55,385.74</u>
Expenses		67.49	2,476.51	2,544.00
Grants				
Liquid assets transferred to cons				
Disposals transferred to conservation				
Balance c/f 31/12/2021	8,156.00	34,500.00	10,185.85	52,841.85

The purposes of these funds are:

Bradiford	Fixed Asset (£8156)
South Milton Ley	Fixed Asset (£34500). £67.49 was paid out for Maintenance. The liquid element of this fund is now depleted.
Swifts and House Martins	Liquid Assets to be spent on improving environment for House Martins and Swifts

Independent examiner's report to the trustees on the unaudited financial statements of Devon Bird Watching And Preservation Society.

Independent examiner's report to the trustees of Devon Bird Watching And Preservation Society

I report to the trustees on my examination of the accounts of Devon Bird Watching And Preservation Society for the year ended 31 December 2021.

Responsibilities and basis of report

As the charity's trustees of Devon Bird Watching And Preservation Society you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the act').

I report in respect of my examination of Devon Bird Watching And Preservation Society's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of Devon Bird Watching And Preservation Society as required by section 130 of the Act; or
2. the accounts do not accord with those records.

I have no concerns and have come across no other matters in connection with the examinations to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.



Catherine Williams ACA DChA

Independent Examiner

Thomas Westcott
47 Boutport Street
Barnstaple
Devon

EX31 1SQ

Dated: 23rd February 2022

DEVON BIRDWATCHING AND PRESERVATION SOCIETY CONSTITUTION

(Registered Charity No. 228966)

1 NAME

The name of the Society shall be **DEVON BIRDS** also known as **DEVON BIRDWATCHING & PRESERVATION SOCIETY** (hereinafter called 'the Society').

2 OBJECTS

The objects of the Society shall be

- a) to further the study of birds; and
- b) to promote their conservation, and in furtherance of these purposes;
 - i) to publish an annual report of bird species within the County of Devon;
 - ii) to promote a wider interest in birds and their habitats, science and conservation;
 - iii) to encourage and promote an interest in birds; for people of all levels of experience
 - iv) to organise a programme of field and indoor meetings to educate and inform members and the wider public;
 - v) to promote a continuing improvement in the submission, collation, publication and access to ornithological records and studies.
 - vi) to manage a network of reserves in the county for the protection and conservation of birds and associated wildlife.

3 ADMINISTRATION

Subject to the matters set out below the Society and its property shall be administered and managed in accordance with this constitution by the members of the Council, constituted by clause 6 of this constitution, who shall be the charity trustees of the Society (hereinafter called "the Council").

4 POWERS

In furtherance of the objects but not otherwise the Council may exercise the following powers:

- a) to raise funds and to invite and receive contributions provided that in raising funds the Council shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;
- b) to buy, sell, lease, exchange or dispose of, or part thereof any property necessary for the achievement of the objects;
- c) to co-operate with other charities, organisations or individuals in furtherance of the objects;
- d) to appoint and constitute such committees as are deemed necessary; and

- e) to do all such other lawful things as are necessary for the achievement of the objects.

5 MEMBERSHIP

- a) The sole Member of the Society with effect from the date of adoption of this constitution shall be Devon Birds, a charitable incorporated organisation registered with charity number 1191647 (“the CIO”). All other memberships of the Society shall terminate with effect from such date. No further members of the Society shall be appointed without the prior written consent of the CIO.

6 THE COUNCIL

- a) The Council shall consist only of the charity trustees for the time being, and from time to time, of the CIO.
- b) The proceedings of the Council shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment or qualification of a member.
- c) Nobody shall be appointed as a member of the Council who is aged under 18 or who would if appointed be disqualified under the provisions of the following clause.
- d) No person shall be entitled to act as a member of the Council whether on a first or on any subsequent entry into office until after signing a declaration of acceptance and of willingness to act in the trusts of the Society.
- e) There shall be an Executive Committee comprising the Chairman, Vice Chairman, Secretary and Treasurer, which shall be responsible for the day-to-day conduct of the Society’s affairs on behalf of the Council. The Council shall determine the terms of reference of the Executive Committee and that all acts and proceedings of the Executive Committee shall be reported to the Council.
- f) Only Council members may speak for the Society on matters of agreed policy.
- g) Members of Council must not benefit from the Society, excluding reasonable expenses, without approval of the Charity Commission.
- h) Legally binding documents can only be signed on behalf of the Society by members of the Executive Committee, with prior approval of the Council.

7 DETERMINATION OF MEMBERSHIP OF COUNCIL

A member of the Council shall cease to hold office if he or she ceases to be a charity trustee of the CIO for any reason.

8 MEETINGS AND PROCEEDINGS OF THE COUNCIL

- a) The Council shall meet at such times and in accordance with such frequency as the charity trustees of the CIO shall determine.

- b) There shall be a quorum when at least five members of the Council, or the number nearest to one third of the total number of members of the Council, whichever is greater, or such larger number as the members of the Council may decide from time to time are present at the meeting.
- c) When required matters shall be determined by a majority of votes of the members of the Council present and voting on the question but in the case of equality of votes the Chairman of the meeting shall have a second or casting vote.
- d) The Council shall keep minutes of the proceedings of its meetings and any of its committees, panels or working groups.
- e) The Council may from time to time make and alter rules for the conduct of their business.

9 DECISIONS BY THE CIO AS SOLE MEMBER

Decisions of the CIO acting in its capacity as sole member of the Society are to be made by the CIO acting by way of written resolution signed by the CIO's duly authorised representative, and notifying any such resolution to the Society in writing within 14 days of the date of the resolution.

10 COMMITTEES

[Not used]

11 BRANCHES

[Not used]

12 RECEIPTS AND EXPENDITURE

- a) The funds of the Society, shall be paid into accounts in the Society's name operated by members of the Executive Committee. Two members of the Executive Committee are required to authorise all payments, except cheques up to a value decided by the Council from time to time.
- b) The funds belonging to the Society shall be applied only in furthering the objects.

13 ACCOUNTS

The Council shall comply with its obligations under the Charities Act 2011 (or any statutory re-enactment or modification of that Act) with regard to:

- a) the keeping of accounting records for the Society;
- b) the preparation of annual statements of account for the Society;
- c) the auditing or independent examination of statements of account of the Society; and

- d) the transmission of the statements of account of the Society to the Charity Commission.

14 ANNUAL REPORT AND RETURN

The Council shall comply with its obligations under the Charities Act 2011 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and return and its transmission to the Charity Commission.

15 NOTICES

Any notice required to be served on any member of the Society shall be in writing and shall be served by the Secretary or the Council on any member either personally or sending it through the post in a prepaid envelope addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 10 days of posting.

16 ALTERATIONS TO THE CONSTITUTION

- a) Subject to the following provisions of this clause the constitution may be altered by a resolution passed by not less than two-thirds of the members present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration proposed.
- b) Notice of intention to propose any alteration shall be given in writing to the Secretary not less than twenty-eight days before the meeting and printed on the agenda for that meeting.
- c) No amendment may be made to clauses 1, 2, or 16 without the prior consent in writing of the Commissioners.
- d) No amendment may be made which would have the effect of making the Society cease to be a charity at law.
- e) The Secretary shall promptly send to the Charity Commission a copy of any amendment made under this clause.

17 DISSOLUTION

The Society may be dissolved by a written resolution signed by a duly authorised representative of the CIO acting in its capacity as sole member of the Society. Such resolution may give instructions for the disposal of any assets held by or in the name of the Society, provided that if any property remains after the satisfaction of all debts and liabilities such property shall not be paid to or distributed among members of the Society but shall be given or transferred to such other charitable institution or institutions having objects similar to some of the objects of the Society as the Society may determine and if and in so far as effect cannot be given to this provision then to some other charitable purpose.

18 ADOPTION OF CONSTITUTION

This amended constitution was adopted by the Society on [] 2022.



Annex D – Draft Minutes of the AGM held on 30/03/2022

Devon Birds

Minutes of the Annual General Meeting held on Wednesday 30th March 2022 at the Exeter Court Hotel at 7pm

1. Apologies. Apologies had been received from 13 members.

2. Minutes of the previous Annual General Meeting. The Minutes were accepted as a true record. Proposed by J Tallowin. Seconded by F Freshney.

3. Matters Arising from the Minutes. There were no matters arising.

4. Chairman's Report. The Chairman provided an update on various items. He pointed out that a vote would be taken later in the meeting to approve a new Constitution. This follows the agreement in 2019 to move Devon Birds to a Charitable Incorporated Organisation. The new Constitution will enable the linking of the old and new Charities.

The Chairman reported that Dr P Fitzpatrick and G Burton were co-opted on to Council during the year as Conservation Advisers. There will be a vote later in the meeting to include them as Council Members and Trustees. Their expertise will help to drive Devon Birds plans and strategies for the future.

The Chairman added that R Sims was also co-opted on to Council as Youth Development Officer. This will enable Devon Birds to hopefully recruit younger members. She will also become a Council Member/Trustee after the vote for Election of Officers.

M Goss has stepped down as Chairman of South Devon Branch. He was thanked for his service over the last 6 years. He will be replaced by N D'AGorne.

M Overy has taken over as editor of the Devon Bird Report. M Lock was thanked for his work over the past 12 years. He will continue as Editor of Devon Birds, and as Publications Group Representative. S Beavan stood down from Council during 2021 and was thanked for her service, especially as joint editor of the Devon Bird Atlas.

C Tyler was invited to give an overview of the ongoing Devon Birds Strategy. He reported that a lot of background information had been obtained via contact with the Branches, Reserve Managers and members. Five sub groups have now been set up: Habitat; Sentinel Species; Monitoring and Recording; Education and Partnerships, in order to make progress. The results will be circulated to the membership, as a draft, prior to being adopted.

The Chairman reported that a new website is being worked on. Unfortunately, T Utting who is overseeing the project, and G Collins are unable to attend tonight. The new site will have a greater range of functions, will be based on a standard business platform, and Branches will be able to control their own data. C Wright who built and developed the existing website was thanked for his help and assistance.

The Chairman concluded his report by thanking the members who assist at the Branches and Reserves. Meetings and Field Trips are slowly starting to return, and it is planned to recommence Bird Surveys.

5. Secretary's Report. The Secretary reported that meetings had continued over the past 2 years, mainly using Zoom. The Secretary added that the day trip to Lundy had been cancelled for 2 years due to Covid. The trip will run in 2022 on Sunday 22nd May from Ilfracombe. Tickets are selling well, there are only 24 tickets left as the trip is restricted to 150 passengers. The Secretary thanked everyone who had taken part in the Annual Draw. Takings had not been affected by Covid. The Secretary concluded by asking members to consider volunteering. No special skills are required. Volunteers are always welcome to assist with work at the Branches, Reserves etc

6. Treasurer's Report. The Treasurer had given his apologies. The Chairman explained that the full accounts had been distributed within the Annual Report. Any questions should be sent direct to the Treasurer. The Chairman added that the figures had not been unduly affected or impacted by the Covid pandemic. The accounts had been examined and signed off by Thomas Westcott. The adoption of the accounts was proposed by M Overy, seconded by P Beale. Unanimously approved.

7. Adoption of revised DBWPS (old charity) Constitution prepared by Tozers LLP (our Solicitors) to enable 'Linking' with the new Charity. Unanimously approved.

8. Election of Officers.

		Proposed	Seconded
Conservation Adviser	P Fitzpatrick	N Armstrong	S Churchley
Conservation Adviser	G Burton	N Armstrong	S Churchley
Youth Development	R Sims	N Armstrong	S Churchley
Ordinary Member	A Colston	F Freshney	J Tallowin
Ordinary Member	F Freshney	M Lock	K Rylands
Plymouth Branch Rep	L Harris	C Randall	F Freshney
East Devon Branch Rep	C Randall	J Tallowin	M Lock
South Devon Branch Rep	N D'Agorne	T Utting	K Rylands

Unanimously agreed on block.

9. Election of Auditor/Independent Examiner – Thomas Westcott. Unanimously agreed.

The meeting ended at 7.51pm.

There was a break for tea and coffee followed by a very interesting talk by Barbara, Baroness Young of Old Scone, titled "Twin emergencies – biodiversity and climate change"