

# **EDENFIELD COMMUNITY NEIGHBOURHOOD FORUM**

## **CONSTITUTION**

### **1. NAME**

**1.1** The name of the Forum shall be the Edenfield Community Neighbourhood Forum, hereinafter referred to as “the Forum”.

**1.2** The Forum is established with a view to its designation by Rossendale Borough Council as the local planning authority (“the Council”) as a neighbourhood forum for the area described in clause 3 (“the Area”) pursuant to section 61F of the Town and Country Planning Act 1990 as inserted by the Localism Act 2011 and as applied by section 38A of the Planning and Compulsory Purchase Act 2004.

### **2. PURPOSES**

The purposes of the Forum are as follows:

**2.1** To prepare a neighbourhood plan (“the Plan”) for the Area which will pay particular attention to housing, economic regeneration, conservation, environmental development and social needs.

**2.2** To promote or improve the social, economic and environmental well-being of the Area and to promote the carrying on of trades, professions and other businesses in the Area.

**2.3** To establish plans for conservation and sustainable development of the Area in a manner that is in keeping with the existing environment.

**2.4** To foster the goodwill and involvement of the whole community, inclusive of all ages, ethnicity, faith, gender, health and sexual orientation in fostering community spirit and pride.

**2.5** To encourage the Area to be a place with a clear social conscience, where community, environment, education, history and heritage matter and where there is a sustainable and secure future.

**2.6** To exercise any statutory powers conferred on a neighbourhood forum.

**2.7** Any other appropriate purpose agreed by the Forum.

### **3. AREA**

**3.1** The Area shall be the area shown edged purple on the map in Appendix A.

**3.2** The Area may be amended from time to time in accordance with clause 13.

### **4. POWERS**

In furtherance of its purposes the Forum may

**4.1 Invite, apply for and receive contributions and grants, and raise funds where appropriate, to finance the work of the Forum, and to open one or more bank accounts to manage all monies received;**

**4.2 Publicise and promote the work of the Forum by organising or taking part in meetings, training courses, events and seminars and by direct mail delivery and by developing and maintaining a website;**

**4.3 Work with groups of a similar nature and exchange information, advice and knowledge with them, including co-operation with other voluntary bodies, charities and statutory and non-statutory organisations;**

**4.4 Employ staff and volunteers as may be necessary provided that members of the Management Committee referred to at sub-clause 7.1 shall not be so employed;**

**4.5 Consult or invite contributions from or the opinion of professionals, experts or other interested parties;**

**4.6 Take any form of action which is lawful and which is necessary to achieve the objects of the Forum, including entering into any contracts which it may see fit.**

## **5. MEMBERSHIP**

**5.1 The Forum shall comprise at least twenty-one (21) individuals.**

**5.2 Membership of the Forum is open to any person aged eighteen (18) years or more who lives in the Area and any person aged eighteen (18) years or more who works, and who has a long-term business interest in, the Area.**

**5.3 Membership shall be representative of the diversity, character and inclusivity of the community and businesses in the Area.**

**5.4 Membership is open to**  
**(a) Borough Councillors for the Ward;**  
**(b) County Councillors for a division that includes all or part of the Area;**  
**(c) the Member of Parliament for a constituency including the Area or any part thereof;**

**5.5 Affiliate membership (which shall not carry voting rights or eligibility to serve on the Management Committee referred to in sub-clause 7.1) shall be available to a representative of any voluntary organisation within the Area approved by the Forum or the said Management Committee. For the avoidance of doubt it is declared that any such representative shall not be reckoned for the purposes of sub-clause 5.1.**

**5.6 Members shall be accepted by the Forum; resignations from membership shall be received by the Forum.**

**5.7 A member may resign his/her membership by written notice to the Secretary.**

**5.8 Where it is considered that the membership of an individual is or would be detrimental to the purposes and activities of the Forum, the Management Committee may recommend to the Forum that such membership be refused, terminated or suspended by a resolution of the Forum.**

**5.9 The Secretary shall maintain a current list of members and persons with affiliate membership at all times.**

**5.10 The Forum shall not be affiliated to, nor work towards the promotion of, any individual political group, organisation or party.**

## **6. MEETINGS OF THE FORUM**

**6.1 All members of the Forum are eligible to attend and vote at the Annual General Meeting of the Forum (“AGM“), any Ordinary General Meeting of the Forum (“OGM”) and any Extraordinary General Meeting of the Forum (“EGM”) and except as provided in clause 13.1 voting shall be by a simple majority on a show of hands. In the case of a tied vote, the person chairing the Meeting shall have the casting vote.**

**6.2 All members of the Forum shall be given at least fourteen (14) days’ notice in writing of the time and place of any AGM, OGM or EGM. Such notice should be accompanied by an agenda and, if reasonably practicable, any minutes or reports mentioned on the face of the agenda. Amendments to the agenda may be submitted in writing by a member to the Secretary up to five (5) days prior to the day of the meeting.**

**6.3 No AGM, OGM or EGM shall begin if fewer than ten (10) members are present. The meeting shall be closed if the number of members present falls below ten (10).**

**6.4 Members of the Forum shall declare any Disclosable Pecuniary Interest as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) at the start of an AGM, OGM or EGM or as soon as it becomes reasonably apparent. Any such declaration shall be recorded. Any member declaring an interest shall be ineligible to vote on the issue concerned.**

**6.5 An OGM shall be held as soon as reasonably practicable after the Forum has gathered twenty-one (21) members. An AGM shall be held within twelve (12) months thereafter. Subsequently an AGM shall take place no later than three (3) months after the end of the Forum’s accounting year, provided that fifteen (15) months shall not elapse without an AGM. An AGM or EGM should be held within six (6) months of the formal designation of the Forum as a neighbourhood forum by the Council.**

**6.6 Any AGM, OGM or EGM shall be held in the Area at a suitable venue and shall commence between the hours of 7pm and 8pm inclusive on a day other than Saturday or Sunday.**

**6.7 At the AGM, the Management Committee will be elected and a report of activities shall be given by the Chairperson or designated deputy and the Treasurer shall present the Annual Financial Report (“AFR”), which shall have been examined and certified by an independent accountant who is not a member of the Forum.**

**6.8 Minutes of previous meetings and the AFR should be circulated to Members no later than seven (7) days before the meeting at which they are to be ratified save that such meeting may agree to abridge or waive this requirement.**

**6.9 An OGM or EGM may be held at the discretion of the Management Committee.**

**6.10 An EGM shall be held within twenty-eight (28) days of the receipt by the Secretary of a written notice by ten (10) members of the Forum clearly specifying the business to be transacted thereat and/or the object or objects of such EGM.**

## **7. MANAGEMENT**

**7.1** From its members the Forum shall establish a Management Committee (“the Management Committee”), which shall comprise no less than five (5) persons and no more than twelve (12), who live or work in the Area.

**7.2** The Management Committee shall be responsible to the Forum for the pursuit of the purposes set out in clause 2 and may, unless instructed otherwise, exercise on behalf of the Forum the powers in clause 4.

**7.3** The Management Committee is responsible for the good governance of the Forum. Management Committee members must at all times adhere to the principles set out in the Charity Governance Code for Smaller Charities: [www.charitygovernancecode.org/CGC-for-smaller-charities.pdf](http://www.charitygovernancecode.org/CGC-for-smaller-charities.pdf)

**7.4** The Management Committee may co-opt members from time to time, provided that they live or work in the Area and are members of the Forum.

**7.5** Members of the Management Committee are subject to re-election, or (in the case of co-opted members) election, at each AGM.

**7.6** The Management Committee shall appoint from its number officers of the Forum consisting of Chairperson, Vice-Chairperson, Treasurer and Secretary and any other officer who may be required. Such appointments shall be for a maximum of one (1) year, but an officer may be re-appointed without limit on the number of terms served.

**7.7** The Management Committee may constitute one or more sub-committees or working groups to further the purposes of the Forum. A member of any such sub-committee or working group must be a member of the Forum.

**7.8** Nominations or applications for membership of the Management Committee must be received in writing by the Secretary no less than seven (7) days prior to the AGM provided that this sub-clause shall not prevent the AGM from making any appointment to the Management Committee.

## **8. OFFICERS**

**8.1** Chairperson: It shall be the responsibility of the Chairperson to chair all meetings of the Forum and the Management Committee and to designate a deputy in his/her absence and that of the Vice-Chairperson, and to ensure that such meetings are held in accordance with the provisions of this Constitution.

**8.2** Vice-Chairperson: It shall be the responsibility of the Vice-Chairperson to aid and deputise for the Chairperson.

**8.3** Treasurer: It shall be the responsibility of the Treasurer to be accountable for all Forum income and expenditure and to ensure that its funds are utilised effectively and that the Forum remains solvent at all times and to ensure the sound and lawful financial management of the Forum including the maintenance of full and accurate accounting records which shall be made available to the accountant referred to in sub-clause 6.7.

**8.4** Secretary: It shall be the responsibility of the Secretary to keep an up-to-date register of members of the Forum, to ensure that minutes (being an accurate and true record) are taken of all meetings of the Forum, the Management Committee and its sub-committees, and to circulate them to the Management Committee and/or the members of the Forum as appropriate, and to ensure that they are publicised on the Forum website, and to ensure that the

requisite notice is given of meetings of the Forum, the Management Committee and its sub-committees.

## **9. STEERING COMMITTEE**

**9.1 A Steering Committee shall be formed to assist in the establishment of the Forum.**

**9.2 As soon as is practically possible the Steering Committee shall be disbanded and the Management Committee shall be formed. Any reference in this Constitution to the Management Committee shall apply equally to the Steering Committee.**

## **10. MEETINGS OF THE MANAGEMENT COMMITTEE AND SUB-COMMITTEES OR WORKING GROUPS**

**10.1 The Management Committee shall meet at least four (4) times per year to discuss actions, monitor progress and consider future developments.**

**10.2 All Management Committee members shall be given seven (7) days' notice in writing of the time and place of a meeting of the Committee, unless it is deemed by the Chairperson or (if the Chairperson is unavailable) the Vice-Chairperson or the designated deputy to be a matter of urgency. Such notice should be accompanied by an agenda and minutes of any meetings of the Committee or its sub-committees or working groups that have not previously been received by the Committee.**

**10.3 No meeting of the Management Committee shall begin if fewer than five (5) of its members are present. The meeting shall be closed if the number of its members present falls below five (5).**

**10.4 Decisions of the Management Committee will be made by a simple majority on a show of hands. In the case of an equality of votes the person chairing the meeting shall have the casting vote.**

**10.5 Members of the Management Committee shall declare any Disclosable Pecuniary Interest as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) at the start of a meeting or as soon it becomes reasonably apparent. Any such declaration shall be recorded. Any Management Committee member declaring an interest will be ineligible to vote on the issue concerned.**

**10.6 The meetings of sub-committees or working groups may be arranged, publicised and undertaken on an *ad hoc* basis, but a record of each such meeting shall be taken by the Secretary or provided to the Secretary within seven (7) days thereof.**

## **11. FINANCE**

**11.1 The Forum's accounting year shall run from 1 January to 31 December each year.**

**11.2 Any monies raised or acquired by the Forum, including donations, contributions, grants, legacies and bequests shall be paid into a bank account operated by the Management Committee in the name of Eden Community Neighbourhood Forum.**

**11.3 All funds must be used to further the purposes set out in clause 2.**

11.4 Any deed cheque or other payment from such a bank account shall be signed by at least two (2) of the following Officers: Chairperson, Vice-Chairperson, Treasurer, Secretary and any member of the Management Committee nominated by the Committee for that purpose. Cheques payable to the Chairperson or Treasurer shall not be signed by the payee.

11.5 Expenses incurred on behalf of the Forum may be reimbursed subject to approval by the Chairperson. Any such expenses exceeding two hundred pounds (£200.00) shall not be reimbursed unless approved by the Chairperson and one other person mentioned in sub-clause 11.4.

## 12. NEIGHBOURHOOD PLAN

12.1 Any decision to undertake, consult on or submit to the Council for approval the Plan shall be subject to a vote at an AGM, OGM or EGM.

12.2 The Plan will set out and develop policies for the use of land within the Area.

12.3 As provided in legislation, the Plan will be subject to extensive consultation and examination including, where appropriate, a referendum within the Area.

12.4 The Plan will include, where appropriate, specific policies for clearly identified parts of the Area, including conservation, enhancement and redevelopment policies.

12.5 The Management Committee on behalf of the Forum shall work with the Council and any independent experts, consultants and advisers on the Plan as required.

12.6 Notwithstanding sub-clause 7.2, at the discretion of the Forum a Neighbourhood Plan Team may be established and delegated to perform the tasks of preparing the Neighbourhood Plan. The Management Committee shall have power to appoint the members of this Team, including co-opted members if it thinks fit and to give directions as to how the Team shall report its activities.

12.7 The Plan shall comply with national and local planning policies.

## 13. ALTERATION TO THE CONSTITUTION

13.1 Any changes to this constitution shall be agreed by a majority of more than two thirds (2/3) of those present and voting at an AGM, OGM or EGM. If the majority in such a vote is exactly two thirds (2/3) to one third (1/3), the person chairing the Meeting shall have the casting vote.

13.2 If the Forum has been designated as a neighbourhood forum no such change shall take effect without the consent of the Council.

## 14. NOTICES

14.1 Any notice required to be given pursuant to this Constitution shall be deemed to have been delivered instantly to a person if sent by email to that person's last notified email address or to have been delivered in the normal course of post if posted to the person's last notified postal address.

## **15. DISSOLUTION**

**15.1** The Forum may be dissolved if deemed necessary by the members by a simple majority vote at an AGM, OGM or EGM

**15.2** Upon dissolution as aforesaid, any assets or remaining funds after debts have been paid shall be returned to their providers or transferred to local charities or similar groups at the discretion of the Management Committee.

## **16. INDEMNITY**

**16.1** Officers of the Forum and members of the Management Committee or any sub-committee or working group shall not be liable for any loss suffered by the Forum as a result of the discharge of their respective duties on its behalf except such as arise from their own respective wilful default.

**16.2** The Forum may seek insurance cover to protect its members and officers from any action which may arise from the legitimate exercise of the functions of the Forum.

## **17. FORUM DURATION**

**17.1** In accordance with legislation the designation of the Forum ceases to have effect after a period of five (5) years. A formal review of the functions and achievements of the Forum will be undertaken before the end of this period and following consultation with its members the Forum shall decide whether it wishes to continue or to amend or dissolve itself. It may apply for designation for a further period of five (5) years if it considers that to be appropriate.

## **18. INTERPRETATION**

**18.1** Any reference to a clause or sub-clause is a reference to a clause or sub-clause of this Constitution.

**18.2** The expression “designated deputy” means the deputy designated by the Chairperson pursuant to clause 8.1.

This constitution was unanimously adopted at a General Meeting of the Forum held at the Edenfield Community Centre on Tuesday the fifth day of December 2017 and amended at a General Meeting of the Forum held at Edenfield Community Centre on Monday the fifth day of February 2018.

Signed

Signed

Signed

