



& Birkenhead
Tranmere
**Neighbourhood
Planning Forum**

CONSTITUTION

Adopted 28th September 2015

Amended by resolution 27th March 2018

1) NAME AND STATUTORY STATUS

This document serves to incorporate **Birkenhead & Tranmere Neighbourhood Planning Forum** ("the Forum") as: **1)** a civil society organisation, and **2)** a proposed "qualifying body" for the purposes of s.61F of the *Town & Country Planning Act 1990* and s.38A of the *Planning & Compulsory Purchase Act 2004* with respect to the designated neighbourhood area defined at **Clause 4)** of this constitution.

2) OBJECT

The object of the Forum is **to promote or improve social, economic and environmental well-being** within the area of benefit defined at **Clause 3)** of this constitution. This object shall be pursued by:

- a) Engaging with the Local Planning Authority ("LPA") and any other statutory agency, business or civil society organisation with an interest in the area of benefit, in order to collaborate for mutual benefit;
- b) Participating in neighbourhood initiatives, including Neighbourhood Management, in partnership with the LPA and any other relevant body or organisation;
- c) Preparing statutory neighbourhood planning proposals, including a Neighbourhood Development Plan for the designated neighbourhood area defined at **Clause 4)** of this constitution;
- d) Fostering the goodwill and involvement of the whole community through the equal treatment of all, regardless of age, belief, ethnicity, gender, impairment, sexual orientation or any other difference;
- e) Fostering community spirit and encouraging civic pride;
- f) Planning for the provision of decent and adaptable residential, commercial and community buildings and spaces that meet the needs of people who live or work in the area of benefit, and
- g) Working towards a more sustainable, prosperous and secure future for the area of benefit and its people.

3) AREA OF BENEFIT

The area of benefit shall be defined by the solid line boundary shown on the map at **Appendix A**.

4) DESIGNATED NEIGHBOURHOOD AREA

The designated neighbourhood area shall be defined as the area shaded grey and bounded by the pecked line boundary shown on the map at **Appendix A**, which is coterminous with the "Birkenhead & Tranmere Neighbourhood Area" designated by Wirral Council on 27th July 2015.

5) MEMBERSHIP

There shall be two classes of membership – **Standard** and **Enhanced**.

- a) **Standard Membership** shall be open to anyone who lives or carries on business within the area of benefit.
- b) In compliance with s.61F of the *Town & Country Planning Act 1990*, **Enhanced Membership** shall be open to:
 - i) Anyone who lives within the designated neighbourhood area;
 - ii) Anyone who works within the designated neighbourhood area, or
 - iii) Anyone who has been elected to represent the designated neighbourhood area.

Application for membership shall be made to the Honorary Secretary on the forms provided for this purpose. Members shall comply with the rules of the Forum and abide by its adopted constitution. The Management Committee shall have the power to refuse, suspend or terminate membership in cases where it considers that individual membership would be inconsistent with or detrimental to the pursuit of the Forum's object. Any member or prospective member subject to these measures shall have a right of appeal to the Management Committee and the final decision as to the status of the member or prospective member shall be confirmed by a resolution adopted by a

majority of members of the Forum voting at a General Meeting. Any member of the Forum may resign his/her membership by providing the Honorary Secretary with written notice. The Honorary Secretary shall actively maintain a list of members and make it available to the Management Committee upon request. Members will be deemed to have given consent for their name, address and other communication details to be used by the Management Committee to keep them informed of business and social matters relevant to the object of the Forum and to comply with any legal requirements for the purpose of statutory neighbourhood planning proposals.

6) MANAGEMENT

The Forum shall be governed by a Management Committee, elected at each Annual General Meeting by all members of the Forum, whose responsibilities shall be to:

- a) Pursue the Forum's object, as described at **Clause 2)** of this constitution;
- b) Promote sustainable development, environmental improvement and the conservation of identified heritage assets through research, education and practical collaboration;
- c) Apply for, invite and receive voluntary financial contributions, charitable funds and public grants in order to further the pursuit of the Forum's object, and to open and administer a bank account to manage such funds;
- d) Engage with civil society locally to publicise and promote the work of the Forum by organising meetings, training, consultation and any other events or initiatives required in pursuit of the Forum's object;
- e) Employ staff and/or volunteers as and when required in pursuit of the Forum's object;
- f) Take all forms of action that are lawful and necessary in pursuit of the Forum's object, including entering into contracts and other legal agreements, and

g) Take all reasonable precautions to ensure that no conflict of interest arises between their private, personal, political and financial interests and their duties as a member of the Management Committee. If an actual or potential conflict of interest does arise, the matter must be notified to the Honorary Chair in writing as soon as possible. Upon receipt of such notification the Honorary Chair shall convene a meeting of the Management Committee as soon as possible, during which the conflict or potential conflict shall be discussed and a resolution agreed. For the avoidance of doubt, 'private' and 'personal' interests include those of a member's immediate family, as well as those arising through membership of or association with clubs, societies and other organisations.

7) MANAGEMENT COMMITTEE

The Management Committee shall be composed of no fewer than three (3) and no more than twelve (12) members of the Forum. Management Committee members shall be elected for a period of one (1) year, but may stand for re-election at each Annual General Meeting. All duly elected Management Committee members shall be considered officers of the Forum for the duration of their elected term. The Management Committee shall meet as often as is required but no less frequently than four (4) times per year.

8) OFFICERS

At each Annual General Meeting all members of the Forum shall elect from the Management Committee incumbents for the following honorary posts:

- a) Chair
- b) Treasurer
- c) Secretary
- d) any additional officers needed to effectively pursue the Forum's object.

9) MEETINGS OF THE FORUM

- a) It shall be the responsibility of the Honorary Chair to conduct all meetings. If the Honorary Chair is unable to conduct any meeting s/he shall appoint a deputy, who is also a member of the Management Committee, to do so.
- b) The Honorary Secretary must ensure that a true and accurate record is made of all meetings, such record to be circulated to members of the Forum and made available to any other interested party upon request.
- c) The Honorary Secretary must ensure that voting related to statutory neighbourhood planning proposals is recorded separately from general voting and that the conduct and result of any such vote complies with any legal requirements set out in the Town & Country Planning Acts.
- d) A proposal to amend this Constitution and any other motion or resolution may only be made at a General Meeting and no such amendment, motion or resolution shall take effect unless it be voted upon and confirmed by a majority of those present and entitled to vote.
- e) A **General Meeting** of all Forum members shall be held at least four (4) times in each twelve (12) month period following the establishment of the Forum (i.e. the date of signing of this document) in order to review and discuss progress made in pursuit of its object.
- f) The Honorary Secretary shall ensure that all members are given at least fourteen (14) days' notice of the date, venue and start time for each General Meeting.
- g) Wherever possible, the agenda and any supporting papers shall be distributed to all members of the Forum by the Honorary Secretary at least ten (10) days before each General Meeting.
- h) The Management Committee shall ensure that each General Meeting shall also be publicised to non-members within the area of benefit.
- i) The defined quorum for a General Meeting shall be six (6) current members, at least two (2) of whom must also be current officers of the Management Committee. Where the defined quorum has not been

reached, a General Meeting may proceed but any vote taken at that meeting shall be invalid.

- j) Every member of the Forum whose name appears on the current membership list shall be entitled to vote at a General Meeting, subject to the exclusions found at **Clauses 9)k), 11)a)** and **11)e)** of this constitution.
- k) Only those qualified for enhanced membership shall be entitled to vote on issues deemed by the Management Committee to relate to the preparation or approval of any statutory neighbourhood planning proposal, including a Neighbourhood Development Plan, within the designated neighbourhood area defined at **Clause 4)** of this constitution.
- l) Each member of the Forum shall have one vote.
- m) Voting shall be by a show of hands, except in the case of elections when voting shall be by ballot. Issues considered sensitive by the Management Committee may also be voted upon by ballot.
- n) A voting representative (proxy) may be appointed by a member to represent them at a General Meeting and may speak and vote on behalf of the member. A proxy need not be a member.
- o) To appoint a proxy, the member should provide a valid appointment in writing to the Honorary Chair at least two (2) days prior to the General Meeting for which s/he is appointed. If the requirements in this rule are not met, the appointment shall not be valid and the proxy shall not be entitled to speak or vote at the General Meeting on behalf of the member.
- p) No person, other than the Honorary Chair (or appointed deputy), may act as proxy for more than three (3) members.
- q) Any question as to the validity of a proxy shall be determined by the Honorary Chair (or appointed deputy) of the relevant General Meeting.
- r) A proxy shall act only in accordance with instructions given by the appointing member. If it is reasonably determined by the Honorary Chair (or appointed deputy) of the relevant General Meeting that a proxy is acting outside those instructions, then the Honorary Chair (or appointed deputy)

shall have the right to prevent the proxy from speaking or voting and may request that the proxy leaves the relevant General Meeting.

- s) In the case of a tied vote, the Honorary Chair (or appointed deputy) shall have a casting vote.
- t) An **Annual General Meeting** shall take place no later than three (3) months after the end of each financial year provided that fifteen (15) months must not elapse without an Annual General Meeting having taken place.
- u) The Honorary Secretary shall ensure that all members are given at least twenty-one (21) days' notice of each Annual General Meeting.
- v) Amendments to the proposed agenda may be submitted in writing to the Honorary Secretary by any member of the Forum up to seven (7) days prior to the date of the Annual General Meeting.
- w) An **Extraordinary Meeting** may be convened by the Management Committee or on application in writing to the Honorary Secretary, signed by no fewer than five (5) members of the Forum whose names appear on the current membership list. Each application to convene an Extraordinary Meeting must state the reason for convening the meeting. All of the rules applying to a General Meeting shall apply equally to an Extraordinary Meeting.

10) FINANCE

All monies acquired by the Forum shall be paid into a bank account operated by the Management Committee in the name of **Birkenhead & Tranmere Neighbourhood Planning Forum** (BATNPF). All funds must be applied solely to the object of the Forum and to no other purpose and subject to any conditions applying to any grant or expenditure. All disbursements from the account must be agreed by at least two (2) Management Committee members, authorised to sign as such, one of whom must be either:

- a) Honorary Chair
- b) Honorary Treasurer, or

c) Honorary Secretary

The Honorary Treasurer shall be accountable for all Forum income and expenditure; shall ensure that funds are utilised effectively, and that the Forum remains solvent. The Honorary Treasurer shall maintain full and accurate accounting records which shall be examined annually by an independent person who is not a member of the Forum. A financial report for the previous accounting year shall be presented at each Annual General Meeting. The Forum's accounting year shall run from 1st April to 31st March.

11) NEIGHBOURHOOD PLANNING

This Clause relates only to the preparation and approval of statutory neighbourhood planning proposals within the designated neighbourhood area defined at **Clause 4)** of this constitution.

- a) Any decision to undertake, consult upon or submit to the LPA for approval any statutory Neighbourhood Development Plan or Neighbourhood Development Order shall be subject to a vote of all members of the Forum holding a valid and current enhanced membership and to no other member.
- b) All neighbourhood planning consultations shall be open to anyone who lives or works in the designated neighbourhood area or has an interest in the designated area, whether members of the Forum or not.
- c) The Forum shall publicise any neighbourhood planning process, seek to involve everyone who lives, works or carries on business in the designated neighbourhood area and shall make an accurate record of the comments received and the outcome of all consultations.
- d) The Management Committee, on behalf of all members of the Forum, shall be required to work collaboratively on the preparation of any neighbourhood planning proposals with the LPA, independent experts or advisors and any other interested party.

- e) At the discretion of the Management Committee, any number of work groups may be delegated the task of preparing any neighbourhood planning proposal (or part(s) of it), organise consultation events and undertake any other lawful activity required to further the Forum's object. The remit and membership of any such work group shall be decided by a vote at a General Meeting of members of the Forum holding a valid and current enhanced membership and to no other member. Once duly formed, a work group may co-opt additional members as it sees fit.
- f) If the number of people with a valid and current enhanced membership of the Forum falls below twenty-one (21) the result of any vote taken in relation to the preparation or approval of any statutory neighbourhood planning proposal during this time shall be invalid but business related to other activity referred to at **Clauses 2)** and **6)** of this constitution may continue to be conducted and the result of any related vote shall be valid.

12) DISSOLUTION

The Forum may be dissolved by a majority vote of members at a General Meeting. Any assets and/or remaining monies after debts have been paid shall be returned to their providers or transferred to local charities or bodies with similar objects to those of the Forum at the discretion of the Management Committee.

This constitution was adopted by a majority vote at a General Meeting of the **Birkenhead & Tranmere Neighbourhood Planning Forum** held at Birkenhead YMCA on 28th September 2015.

Signed:



(Philip Barton, Chair)

Signed:



(Greg Vogiatzis, Secretary)