

COPYTHORNE PARISH COUNCIL MEETING – TUESDAY OCTOBER 10TH 2023

ITEM 11 – TO RECEIVE, DISCUSS AND VOTE ON A REPORT REGARDING PROPOSED CHANGES TO THE NFALC CONSTITUTION

BACKGROUND

On September 21st 2023 the Agenda for the next quarterly meeting of NFALC (“The New Forest Association of Local Councils”) on October 19th 2023 was received by the Clerk. The agenda, along with the supporting papers, were circulated to all Parish Council members on September 25th 2023.

Item 4 on the agenda is “To consider draft constitution per the attached revision”.

Whilst the agenda item as described would only suggest a discussion, the existing constitution allows a “full member council” to move an amendment to the constitution as long as notice of the proposed amendment has been “..given to all members councils 28 clear days before the date of the meeting”. My calculation is that 27 clear days notice has been given?

CURRENT POSITION

The proposed changes to the Constitution are quite wide ranging and Cllr. Graham Chillcott (as the Council's voting representative on NFALC) needs to seek the thoughts of the members of the Council to enable him to properly represent them at the NFALC meeting.

To help Council members to understand what changes are proposed I have attached three Appendices as follows:-

Appendix 1 – The existing constitution

Appendix 2 – The proposed constitution

Appendix 3 – The proposed constitution with key changes highlighted **(in red)**

REQUIRED ACTION

1. Members need to read the attached appendices in readiness for a discussion on the proposed changes.
2. Members then need to agree how Cllr. Chillcott will represent the views of the Council and cast his vote at the NFALC meeting (assuming a valid motion is moved at the meeting)

David Rigby
Clerk to Copythorne Parish Council
October 3rd 2023

APPENDIX 1 – EXISTING NFALC CONSTITUTION

1. THE NAME of the Association shall be THE NEW FOREST ASSOCIATION OF LOCAL COUNCILS (NFALC), hereinafter called ‘the Association’.

2. THE PURPOSES

The purposes of the Association are :-

i) To take all action necessary to represent, protect and promote the interests of all local Councils in the New Forest District, and

ii) For those Councils in the New Forest National Park, but outside the New Forest District, to represent their views to the New Forest National Park Authority.

3. MEMBERSHIP

i) All Parish and Town Councils within the New Forest District shall be entitled to Full or Associate District membership as follows:

a) Full Members – those Councils that are in membership of the Hampshire Association of Local Councils (HALC) and the National Association of Local Councils (NALC); and

b) Associate District Members – those Councils within the New Forest District, but not in membership of the Hampshire Association of Local Councils or the National Association of Local Councils.

ii) Parish and Town Councils that are in the New Forest National Park, but outside the New Forest District, shall be entitled to be Associate Members of the Association.

iii) The Association shall determine from time to time, the level of fees (if any) to be paid for each class of membership.

4. REPRESENTATION

Each Full, Associate District and Associate Member Council shall be entitled to appoint two Councillors to attend meetings of the Association. Other Councillors or Officers may attend Association meetings and take part in the discussions.

5. VOTING

i) Subject to paragraphs ii), iii) and iv) below, voting shall be by show of hands and each Member Council shall be entitled to one vote on a Motion. In the event of an equal number of votes being cast for and against a Motion, the person presiding at the meeting shall have a second or casting vote;

ii) Full Member Councils shall be entitled to take part in, and vote on, all matters coming before the Association;

iii) Associate District Members and Associate Members shall not be entitled to vote on matters to be referred to the Hampshire Association of Local Councils or the National Association of Local Councils or on matters referred to the Association by those bodies or on the election of the Chairman of the Association; and

iv) Associate District Members and Associate Members shall be entitled to speak and vote on all matters relating to the National Park.

6. REPRESENTATION ON THE COUNTY ASSOCIATION

At its Annual Meeting the Association shall appoint one Councillor from amongst those representing Full Member Councils to be a Director of the County Association, and also three other Members from Councils in full membership to deputise in the absence of that Director at any meeting that the appointee attends at the County Association as a Director.

7. FINANCE OF THE ASSOCIATION

i) The Association shall appoint an officer from one of the constituent members to be responsible for receiving, banking and accounting for all income and expenditure. The Accounts, after auditing by an independent Member of the Association, will be presented to all Member Councils for approval at the Annual General Meeting. A copy of the approved Statement, countersigned by the person presiding at the Annual Meeting, shall be sent to the Chief Executive of HALC.

ii) The Association shall appoint an officer of one of the constituent councils to be the Honorary Secretary and may, at each Annual General Meeting, authorise the payment of an Honorarium to such Honorary Secretary.

iii) At each Annual General Meeting, the Association shall appoint five authorised signatories for any cheques drawn on the Association's account, who shall be the Chairman and Vice-Chairman of the Association, the Treasurer and the Joint Co-ordinators. Signatures for operative of the Bank Account shall be either the Chairman or Vice-Chairman together with the Treasurer or one of the Joint Co-ordinators.

8. MEETINGS

i) The Association shall hold its Annual Meeting in or around the month of June each year and shall hold at least three other meetings during the year as Members may decide.

ii) The first business at each Annual General Meeting shall be the appointment of a Chairman from amongst the Councillors representing Full Members of the Association and such other Officers as the Association may decide.

iii) An Extraordinary Meeting may be called by the Chairman and Vice-Chairman or on receipt of a written representation from at least three Full Member Councils.

iv) At all meetings a Quorum shall be one third of the Councils in full membership of the Association.

v) The Association shall not appoint an Executive Committee.

vi) In order to facilitate the achievement of its purposes, the Association shall appoint such Focus Groups and Ambassadors as it deems necessary at any meeting.

vii) The Focus Groups shall be appointed on a 'task and finish' basis and appointed for the specific purpose of pursuing, on behalf of the Association, any topics or matters of interest to some or all of the local Councils in membership. Each Focus Group so appointed shall report on its work to the quarterly meetings of the Association. There shall be no limit to the number of Members of each Focus Group and all local Councils with an interest in the topic shall be entitled to attend any Focus Group meetings.

viii) The Chairman and Vice Chairman of the Association shall be ex-officio Members of all Focus Groups and shall receive all papers relating thereto and be entitled to attend and vote at the Focus Group meetings.

ix) On the appointment of a Focus Group, the Association shall appoint a Facilitator Council to provide administrative support and lead discussion on the topic for which the Focus Group has been appointed.

x) Where a Full Member, Associate District Member or Associate Member Council considers that an issue, which does not warrant the appointment of a Focus Group, should be investigated, it may make representations to a quarterly meeting of the Association seeking approval for the appointment of one of its Members as an Ambassador to carry out such investigations and report back to the Association with his or her recommendations.

xi) All appointments to other bodies, including appointments to the National Park Authority, or representatives to meet with other Authorities and organisations shall be made by the Association in accordance with any arrangements that may be agreed from time to time by the Association.

9. NOTICE OF MEETINGS

i) Notices of all meetings shall be sent to Member Councils by the Honorary Secretary at least 14 days before the meeting. Failure or omission to give notice of a meeting of the Association (or a Focus Group) to any Member Council or person entitled to attend, or the non-receipt of such a notice, shall not invalidate the proceedings of such a meeting.

ii) Notices of meetings and accompanying papers will be given electronically except where the Member Council gives notice of its wish to receive Notices and papers in hard copy, at which time it shall notify the association of the name and address of the person to whom such papers shall be sent.

10. RESOLUTIONS

Any category of Member Council wishing to have a resolution discussed at a meeting shall notify the Honorary Secretary in writing 21 clear days before the meeting and include the full text of the resolution and, in addition, shall ensure that a representative attends the meeting to propose the resolution. The Chairman of the meeting may accept a further resolution of an emergency or urgent nature notified to him on the day of the meeting.

11. AMENDMENTS TO THE CONSTITUTION

An Amendment to the Constitution may be moved at a meeting of the Association by a Full Member Council and must be approved by a majority of two-thirds of the Full Member Councils present. Notice of any proposed amendment shall be given to all Member Councils 28 clear days before the date of the meeting.

12. DISSOLUTION

Any proposal that the Association shall be dissolved shall be the subject of 28 clear days notice by the Honorary Secretary to all Member Councils and to HALC. In the event of the Association adopting the proposal (which shall require a two-thirds majority of those Full Member Councils present), it shall be notified to the Chief Executive of HALC, together with particulars of any property held, the balance of funds in hand and an Account of income and expenditure since the last Annual Meeting. The future of any property and the funds of the Association shall be determined by the Full Members of the Association.

APPENDIX 2 – PROPOSED NFALC CONSTITUTION

1. THE NAME of the Association shall be THE NEW FOREST ASSOCIATION OF LOCAL COUNCILS (NFALC), hereinafter called ‘the Association’.

2. THE PURPOSES

The purposes of the Association are:

- i) To take all action necessary to represent, protect, promote and cultivate the interests of all local Councils in the New Forest District and/or the New Forest National Park.
- ii) To represent, protect, promote, preserve and cultivate the distinct and traditional culture, character, identity and heritage of the New Forest, and in doing so to prioritise the interests of the New Forest and it’s unique communities over those of any local authority, non-local group, or political organisation.

3. MEMBERSHIP

- i) All Parish and Town Councils within the New Forest District or New Forest National Park shall be entitled to membership as follows:

- a) Full Members – those Councils that are in membership of the Hampshire Association of Local Councils (HALC) and the National Association of Local Councils (NALC);
 - b) Associate Members – those Councils, within both the New Forest District and the New Forest National Park, not in membership of the Hampshire Association of Local Councils or the National Association of Local Councils.
 - c) Associate District Members – those Councils, within the New Forest District but outside of the New Forest National Park, not in membership of the Hampshire Association of Local Councils or the National Association of Local Councils.
 - d) Associate National Park Members – those Councils, within the New Forest National Park but outside of the New Forest District Council, not in membership of the Hampshire Association of Local Councils or the National Association of Local Councils.
- ii) Unless explicitly stated and/or qualified, the term “Member Council” as used in this document refers to all categories of membership outlined in i).
 - iii) The Association shall determine, from time to time, the level of fees (if any) to be paid for each class of membership.

4. REPRESENTATION

Each Member Council shall be entitled to attend meetings of the Association. Both Councillors and Officers may attend Association meetings and take part in the discussions.

5. VOTING

i) Subject to paragraphs ii), iii), iv) and v) below, voting shall be by show of hands and each attendee from a Member Council shall be entitled to vote on a Motion, up to a maximum of three per Member Council. In the event of an equal number of votes being cast for and against a Motion, the person presiding at the meeting shall have a casting vote;

ii) Member Councils not in attendance will automatically be given a single proxy vote each, which if not explicitly assigned or withdrawn in writing in advance of that meeting will be given to the person presiding at the meeting.

iii) Full Member Councils shall be entitled to speak and vote on all matters coming before the Association, including all matters relating to HALC and NALC.

iv) Associate Members and Associate National Park Members shall be entitled to speak and vote on all matters relating to the New Forest National Park.

v) Associate Members and Associate District Members shall be entitled to speak and vote on all matters relating to the New Forest District.

6. REPRESENTATION ON THE COUNTY ASSOCIATION

At its Annual Meeting, the Association shall appoint one Councillor from amongst those representing Full Member Councils to be a Director of the County Association, and also three other Full Members to deputise in the absence of that Director at any meeting where the appointee attends at the County Association as a Director.

7. MEETINGS

i) The Association shall hold its Annual Meeting in person, in or around the month of July each year and shall hold at least five other meetings during the year as Members may decide.

ii) The first business at each Annual General Meeting shall be, if necessary, the appointment of a Chairman from amongst the Councillors representing Full Members of the Association and such other Officers as the Association may decide. Such appointments are made for the full term of the Councillor, or until such time as the holder is no longer a Councillor, or a vote of No Confidence is held in which each Member Council is given a single vote, and two thirds of all Member Councils vote for a motion of No Confidence at two consecutive meetings.

- iii) An Extraordinary Meeting may be called by the Chairman and Vice-Chairman or on receipt of a written representation from at least three Full Member Councils.
- iv) An Emergency Extraordinary Meeting may be called by the Chairman at any time.
- v) At all meetings a Quorum shall be 7 attendees from councils in membership.
- vi) In order to facilitate the achievement of the Association's purposes, the Chairman shall appoint such Representatives as is deemed necessary at any meeting.
- vii) In order to facilitate the achievement of it's purposes, the Association shall appoint such Focus Groups, Representatives or Committees as it deems necessary at any meeting.
- viii) Focus Groups shall be appointed on a 'task and finish' basis and appointed for the specific purpose of pursuing, on behalf of the Association, any topics or matters of interest to some or all of the local Councils in membership. Each Focus Group so appointed shall report on its work to the Ordinary meetings of the Association. There shall be no limit to the number of Members of each Focus Group and all local Councils with an interest in the topic shall be entitled to attend any Focus Group meetings.
- ix) The Chairman and Vice Chairman of the Association shall be ex-officio Members of all Focus Groups and Committees and shall receive all papers relating thereto and be entitled to attend and vote at the Focus Group meetings.
- x) The Chairman and Vice Chairman of the Association shall be ex-officio Chairman and Vice Chairman of all Committees until such time as each Committee votes on a Chairman and Vice Chairman.
- xi) On the appointment of a Focus Group, the Association shall appoint a Facilitator Council to provide administrative support and lead discussion on the topic for which the Focus Group has been appointed.

8. NOTICE OF MEETINGS

- i) Notices of all meetings (excepting Emergency Extraordinary Meetings) shall be sent to Member Councils by the Honorary Secretary at least fourteen days before the meeting. Failure or omission to give notice of a meeting of the Association (or a Focus Group or Committee) to any Member Council or person entitled to attend, or the non-receipt of such a notice, shall not invalidate the proceedings of such a meeting.
- ii) An Emergency Extraordinary Meeting may be called by the Chairman at any time, whereupon notice shall be sent to all Member Councils at least three days before the meeting. Failure or omission to give notice of an Emergency Extraordinary Meeting of the Association (or a Focus Group or Committee) to any Member Council or person entitled to attend, or the non-receipt of such a notice, shall not invalidate the proceedings of such a meeting.

iii) Notices of meetings and accompanying papers will be given electronically.

iv) Notices of Annual Meetings and their accompanying papers will also be given by post in hard copy.

9. RESOLUTIONS

Any Member Council wishing to have a resolution discussed at a meeting shall notify the Honorary Secretary in writing 21 clear days before the meeting and include the full text of the resolution and, in addition, shall ensure that a representative attends the meeting to propose the resolution. The Chairman of the meeting may accept a further resolution of an emergency or urgent nature notified to him on the day of the meeting.

10. AMENDMENTS TO THE CONSTITUTION

An Amendment to the Constitution may be moved at a meeting of the Association by a Full Member Council and must be approved either by the Chairman and a majority of the Full Member Councils present, or by a three quarter majority of all Full Member Councils only. Notice of any proposed amendment shall be given to all Member Councils 28 clear days before the date of the meeting.

11. DISSOLUTION

Any proposal that the Association shall be dissolved shall be the subject of 60 clear days notice by the Honorary Secretary to all Member Councils and to HALC. In the event of the Association adopting the proposal (which shall require votes at two consecutive meetings with a three-quarter majority at each), it shall be notified to the Chief Executive of HALC, together with particulars of any property held, the balance of funds in hand and an Account of income and expenditure since the last Annual Meeting. The future of any property and the funds of the Association shall be determined by the Full Members of the Association.

13th September 2023

APPENDIX 3 – PROPOSED NFALC CONSITUTION (**WITH KEY CHANGES HIGHLIGHTED**)

1. THE NAME of the Association shall be THE NEW FOREST ASSOCIATION OF LOCAL COUNCILS (NFALC), hereinafter called ‘the Association’.

2. THE PURPOSES

The purposes of the Association are:

i) To take all action necessary to represent, protect, promote **and cultivate the interests** of all local Councils in the New Forest District and/or the New Forest National Park.

ii) **To represent, protect, promote, preserve and cultivate the distinct and traditional culture, character, identity and heritage of the New Forest, and in doing so to prioritise the interests of the New Forest and it’s unique communities over those of any local authority, non-local group, or political organisation.**

3. MEMBERSHIP

i) All Parish and Town Councils within the New Forest District **or New Forest National Park** shall be entitled to membership as follows:

a) Full Members – those Councils that are in membership of the Hampshire Association of Local Councils (HALC) and the National Association of Local Councils (NALC);

b) **Associate Members – those Councils, within both the New Forest District and the New Forest National Park, not in membership of the Hampshire Association of Local Councils or the National Association of Local Councils.**

c) Associate District Members – those Councils, within the New Forest District but outside of the New Forest National Park, not in membership of the Hampshire Association of Local Councils or the National Association of Local Councils.

d) **Associate National Park Members – those Councils, within the New Forest National Park but outside of the New Forest District Council, not in membership of the Hampshire Association of Local Councils or the National Association of Local Councils.**

ii) **Unless explicitly stated and/or qualified, the term “Member Council” as used in this document refers to all categories of membership outlined in i).**

iii) The Association shall determine, from time to time, the level of fees (if any) to be paid for each class of membership.

4. REPRESENTATION

Each Member Council shall be entitled to attend meetings of the Association. Both Councillors and Officers may attend Association meetings and take part in the discussions.

5. VOTING

i) Subject to paragraphs ii), iii), iv) and v) below, voting shall be by show of hands and each attendee from a Member Council shall be entitled to vote on a Motion, **up to a maximum of three per Member Council**. In the event of an equal number of votes being cast for and against a Motion, the person presiding at the meeting shall have a casting vote;

ii) **Member Councils not in attendance will automatically be given a single proxy vote each, which if not explicitly assigned or withdrawn in writing in advance of that meeting will be given to the person presiding at the meeting.**

iii) Full Member Councils shall be entitled to speak and vote on all matters coming before the Association, including all matters relating to HALC and NALC.

iv) Associate Members and Associate National Park Members **shall be entitled** to speak and vote on all matters relating to the New Forest National Park.

v) Associate Members and Associate District Members **shall be entitled** to speak and vote on all matters relating to the New Forest District.

6. REPRESENTATION ON THE COUNTY ASSOCIATION

At its Annual Meeting, the Association shall appoint one Councillor from amongst those representing Full Member Councils to be a Director of the County Association, and also three other Full Members to deputise in the absence of that Director at any meeting where the appointee attends at the County Association as a Director.

(EXISTING SECTION ON FINANCE OF THE ASSOCIATION REMOVED)

7. MEETINGS

i) The Association shall hold its Annual Meeting **in person**, in or around the month of July each year and shall hold at least **five** other meetings during the year as Members may decide.

ii) The first business at each Annual General Meeting shall be, if necessary, the appointment of a Chairman from amongst the Councillors representing Full Members of the Association and such other Officers as the Association may decide. **Such appointments are made for the full term of the Councillor, or until such time as the holder is no longer a Councillor, or a vote of No Confidence is held in which each Member Council is given a single vote, and two thirds of all Member Councils vote for a motion of No Confidence at two consecutive meetings.**

iii) An Extraordinary Meeting may be called by the Chairman and Vice-Chairman or on receipt of a written representation from at least three Full Member Councils.

iv) An Emergency Extraordinary Meeting may be called by the Chairman at any time.

v) At all meetings a Quorum shall be 7 attendees from councils in membership.

vi) In order to facilitate the achievement of the Association's purposes, the Chairman shall appoint such Representatives as is deemed necessary at any meeting.

vii) In order to facilitate the achievement of its purposes, the Association shall appoint such Focus Groups, Representatives or Committees as it deems necessary at any meeting.

viii) Focus Groups shall be appointed on a 'task and finish' basis and appointed for the specific purpose of pursuing, on behalf of the Association, any topics or matters of interest to some or all of the local Councils in membership. Each Focus Group so appointed shall report on its work to the Ordinary meetings of the Association. There shall be no limit to the number of Members of each Focus Group and all local Councils with an interest in the topic shall be entitled to attend any Focus Group meetings.

ix) The Chairman and Vice Chairman of the Association shall be ex-officio Members of all Focus Groups and Committees and shall receive all papers relating thereto and be entitled to attend and vote at the Focus Group meetings.

x) The Chairman and Vice Chairman of the Association shall be ex-officio Chairman and Vice Chairman of all Committees until such time as each Committee votes on a Chairman and Vice Chairman.

xi) On the appointment of a Focus Group, the Association shall appoint a Facilitator Council to provide administrative support and lead discussion on the topic for which the Focus Group has been appointed.

(EXISTING CLAUSES x) and xi REMOVED)

8. NOTICE OF MEETINGS

i) Notices of all meetings (excepting Emergency Extraordinary Meetings) shall be sent to Member Councils by the Honorary Secretary at least fourteen days before the meeting. Failure or omission to give notice of a meeting of the Association (or a Focus Group or Committee) to any Member Council or person entitled to attend, or the non-receipt of such a notice, shall not invalidate the proceedings of such a meeting.

ii) An Emergency Extraordinary Meeting may be called by the Chairman at any time, whereupon notice shall be sent to all Member Councils at least three days before the meeting. Failure or omission to give notice of an Emergency Extraordinary Meeting of the Association (or a Focus Group or Committee) to any Member Council or person entitled to attend, or the non-receipt of such a notice, shall not invalidate the proceedings of such a meeting.

iii) Notices of meetings and accompanying papers will be given electronically.

iv) Notices of Annual Meetings and their accompanying papers will also be given by post in hard copy.

9. RESOLUTIONS

Any Member Council wishing to have a resolution discussed at a meeting shall notify the Honorary Secretary in writing 21 clear days before the meeting and include the full text of the resolution and, in addition, shall ensure that a representative attends the meeting to propose the resolution. The Chairman of the meeting may accept a further resolution of an emergency or urgent nature notified to him on the day of the meeting.

10. AMENDMENTS TO THE CONSTITUTION

An Amendment to the Constitution may be moved at a meeting of the Association by a Full Member Council and must be approved **either by the Chairman and a majority of the Full Member Councils present, or by a three quarter majority of all Full Member Councils only**. Notice of any proposed amendment shall be given to all Member Councils 28 clear days before the date of the meeting.

(CURRENT REQUIREMENT IS A TWO THIRDS MAJORITY OF FULL MEMBER COUNCILS PRESENT)

11. DISSOLUTION

Any proposal that the Association shall be dissolved shall be the subject of 60 clear days notice by the Honorary Secretary to all Member Councils and to HALC. In the event of the Association adopting the proposal **(which shall require votes at two consecutive meetings with a three-quarter majority at each)**, it shall be notified to the Chief Executive of HALC, together with particulars of any property held, the balance of funds in hand and an Account of income and expenditure since the last Annual Meeting. The future of any property and the funds of the Association shall be determined by the Full Members of the Association.

(CURRENT REQUIREMENT IS A TWO THIRDS MAJORITY OF FULL MEMBER COUNCILS PRESENT AT ONE MEETING)

13th September 2023

