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Constitution
 for a
Community Association

Issued as a Guide by
THE NATIONAL FEDERATION OF COMMUNITY
ASSOCIATIONS

(in association with the National Council of Social Service, Inc.)
26 Bedford Square, London, W.C.1
 after consultation with the Department of Education and Science
 Revised February, 1961

INTRODUCTORY

The form of Constitution for a Community Association set out on pages *2-6 is drawn from the experience gained in different parts of the country and is issued as a guide rather than as a model. Circumstances vary from place to place and a Constitution should meet local needs and requirements.

A Constitution should be as simple and as flexible as possible to allow for free development without the necessity for constant alterations. Details of procedure or regulations should be left for inclusion in Standing Orders or Rules drafted by the Executive Committee on behalf of the Council and submitted to the Annual or Special General Meeting. All matters which it is considered essential or very desirable to include are contained in the form of Constitution below.

Special attention is drawn to the Objects Clause 2. In order that an Association shall be recognized as charitable and thus secure exemption from liability to pay income tax, etc., its objects must be worded so as to satisfy the law relating to charities. Further, the objects as set out in the Constitution of an Association must not be inconsistent with the objects as recited in the Trust Deed, where one has been entered into in respect of property managed by the Association. The Objects Clause in this Constitution has been prepared with these requirements in mind and Community Associations are advised not to vary the wording of either this Clause or the Dissolution Clause (17) which has been drafted for similar reasons.

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SHEERWATER PYLON

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After a Constitution has been drafted it should be shown to the local Inspector of Taxes to ensure that it will be accepted for purposes of tax exemption and the receipt of payments made under Covenant. In addition, some Local Education Authorities require certain additions or minor amendments to meet their regulations for grants and it is therefore useful to send a copy of the draft to the Chief Education Officer too. *The National Federation will be willing to advise on the final draft, before it is put to a General Meeting for adoption.*

*Note: This form is suggested as appropriate for most urban neighbourhoods in England and Wales, but not in Scotland where the law would require certain amendments, e.g. of Clauses 16 and 17. In very small neighbourhoods where there are few organizations that could become constituent bodies, management by a single committee, on which they can all be represented, may be preferred. Note (7) deals with this. Rural Communities with a population of less than 4,000 people may be better suited by the type of organization set out in the Model Trust Deed for Village Halls published by the National Council of Social Service.

A different type of Constitution, designed to meet the needs of local Federations of Community Associations serving a city, county or region, is available from the National Federation.

CONSTITUTION OF THE COMMUNITY ASSOCIATION
(Numbers in brackets to the right of the text refer to Notes beginning on Page 7)

1. NAME. The name of the Association shall be Community Association (hereinafter called 'the Association').
2. OBJECTS. The objects of the Association shall be:
 - (a) to promote the benefit of the inhabitants of and the neighbourhood (hereinafter called 'the area of benefit') without distinction of sex or of political, religious or other opinions by associating the local authorities, voluntary organizations and inhabitants in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitants;
 - (b) to establish or to secure the establishment of a Community Centre (hereinafter called 'the Centre') and to maintain and manage, or to co-operate with any local statutory authority in the maintenance and management of, such a Centre for activities promoted by the Association and its constituent bodies in furtherance of the above objects.

The Association shall be non-party in politics and non-sectarian in religion. The Association shall have power to affiliate to the National Federation of Community Associations and to other organizations with similar charitable objects.

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SHEERWATER PYLON

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3. MEMBERSHIP. Membership of the Association shall be of two kinds:
 - (a) Individual members who shall be either Full, Junior or Associate members.
 - (b) Group members who shall be the Constituent bodies and Sections.
4. INDIVIDUAL MEMBERSHIP shall be open, irrespective of political party, nationality, religious opinion, race or colour, to:
 - (a) All persons aged eighteen and over living in the area of benefit who shall be called Full members.
 - (b) All persons under the age of eighteen living in the area of benefit who shall be called Junior members. Junior members shall not have the right to vote at members' meetings but may elect from among themselves two representatives to the Council who shall each have the right to vote as if they were Full Members.
 - (c) Well-wishers anywhere who shall be called Associate members. Associate members shall not have the right to vote at members' meetings but may elect from among themselves one representative to the Council who shall have the right to vote as if he were a Full member.The manner in which Associate and Junior members elect their representatives shall be determined by the Council from time to time.
5. GROUP MEMBERSHIP.
 - (a) Constituent bodies shall be the local statutory authorities and such voluntary organizations as operate in the area of benefit and satisfy the council that they are independent organizations or branches of independent national or other organizations.
 - (b) Sections shall be such groups as may, with the permission of the Council, be formed within the Association among the individual members for the furtherance of a common activity.Each Constituent body and Section shall have the right to appoint one representative to be a member of the Council and at any time by giving notice in writing to the Secretary of the Association to revoke the appointment of such a member and to appoint another member in his place. Such a member shall have the right to attend and to vote at General Meetings of the Association.
6. TERMINATION OF MEMBERSHIP. The Council shall have the right for good and sufficient reason to terminate the membership of an individual member or of a Constituent body or Section provided that the individual member or person representing the body or Section shall have the right to be heard by the Council before a decision is made.
7. SUBSCRIPTIONS. All members and Constituent bodies shall pay such subscriptions as the Council may from time to time determine.
8. THE COUNCIL. Subject to the limitations set out in Clause 10 hereof, the policy and general management of the affairs of the Association shall be directed.

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ected by a Council (herein referred to as 'The Council') which shall meet not less than three times a year.

- The Council shall consist of:
- The representatives appointed by Constituent bodies and Sections in accordance with Clause 5.
 - Such number of representatives of Full members, to be elected from among and by themselves at the Annual General Meeting, as is equal to the number of Council members appointed under Clause 8(a).
 - Two representatives of Junior members elected in accordance with Clause 4(b).
 - One representative of Associate members elected in accordance with Clause 4(c).
 - The Honorary Officers of the Association and of the Council ex-officio in accordance with Clause 9(a).
 - Two representatives appointed by the Trustees if Trustees shall have been appointed in accordance with Clause 16.
 - Such persons employed by or seconded to the Association as the Council may from time to time determine in accordance with Clause 9(b).
- In addition the Council may co-opt further members who shall be members of the Association provided that the number of co-opted members shall not exceed one-third of the total number of members of the Council as defined above. All members of the Council shall retire annually but shall be eligible to be appointed or co-opted again. The Council shall have power to appoint such committees as it may from time to time decide and may determine their powers and terms of reference.

9. OFFICERS.

- HONORARY OFFICERS.** The Annual General Meeting shall elect a President, a Treasurer and such other officers of the Association such as an Honorary Secretary as it may from time to time determine. The Council shall elect its Chairman and such other officers as it may from time to time determine. The Chairman of the Council shall be ex-officio Chairman of the Executive Committee.
 - PAID OFFICERS.** The Council shall have power to appoint and dismiss a (paid) Secretary and such other employees of the Association as it may from time to time determine.
- The Council may determine which (if any) persons employed by or seconded to the Association shall be members ex-officio of the Association, the Executive and other committees.

- ANNUAL GENERAL MEETING.** Once in each year, in the month of the Council shall convene an Annual General Meeting of the Association, which all individual members and representatives of the Constituent bodies and Sections shall be entitled to attend; for the purpose of receiving the Annual Report of the Council and the annual audited statement of accounts; of appointing Honorary Officers of the Association; of accepting resignations of members of the Council; of electing representatives of Full members to serve on the Council; of appointing an auditor or auditors; of making recommendations to the Council and, whenever necessary, of voting on proposals to amend this Constitution in accordance with Clause 18 hereof.

- SPECIAL GENERAL MEETINGS.** The Chairman of the Council or the Secretary may at any time at their discretion, and shall within twenty-one days of receiving a written request so to do signed by not less than twenty members having the power to vote and giving reasons for the request, call a Special General Meeting of the Association for the purpose of altering the Constitution in accordance with Clause 18 hereof or of considering any matter which may be referred to them by the Council or for any other purpose.

- EXECUTIVE COMMITTEE.** At its first meeting following the Annual General Meeting in each year the Council shall appoint an Executive Committee

to which it may delegate any or all of its powers as it may from time to time determine.

- The Executive Committee shall consist of members elected by and from the members of the Council and of the Officers of the Association and of the Council, hereinafter provided.
- The Executive Committee shall have power to co-opt additional members who shall be members of the Association but need not be members of the Council provided that the number of co-opted members does not exceed one-third of the total number of elected and ex-officio members. All members of the Executive Committee shall retire annually but shall be eligible to be appointed or co-opted again.
- The Executive Committee shall have power to appoint such sub-committees as it may from time to time decide and may determine their powers and terms of reference.

13. RULES OF PROCEDURE AT ALL MEETINGS.

- VOTING.** Subject to the provisions of Clause 18, all questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote thereat. No member shall exercise more than one vote notwithstanding that he may have been appointed to represent two or more interests but in case of an equality of votes the Chairman shall have a second or casting vote.
- QUORUM.** One-third of the members shall form a quorum at meetings of the Council, the Executive and all other Committees. Twenty-five members shall form a quorum at General Meetings of the Association.
- MINUTES.** Minute books shall be kept by the Association; the Council, the Executive, and all other committees and the appropriate Secretary shall enter therein a record of all proceedings and resolutions.

14. STANDING ORDERS, AND RULES FOR THE USE OF THE CENTRE.

The Executive Committee shall have power to adopt and issue Standing Orders and/or Rules for the use of the Centre. Such Standing Orders and Rules shall come into operation immediately, provided always that they shall be subject to review by the Council and shall not be inconsistent with the provisions of this Constitution.

15. FINANCE.

- All moneys raised by or on behalf of the Association shall be applied to further the objects of the Association and for no other purpose.
- The Honorary Treasurer shall keep proper accounts of the finances of the Association.
- The accounts shall be audited at least once a year by a qualified auditor or auditors who shall be appointed at the Annual General Meeting.
- An audited statement of accounts for the last financial year shall be submitted by the Council to the Annual General Meeting.

- TRUST PROPERTY.** The title of all and any real property which may be acquired by or for the purposes of the Association shall be vested in Trustees who shall be appointed by the Council and who shall enter into a Deed of Trust setting forth the purposes and conditions under which they hold the said property in trust for the Association. The number of Trustees shall not be less than () nor more than ().

- DISSOLUTION.** If the Council by a simple majority decides at any time that on the ground of expense or otherwise it is necessary or advisable to dissolve the Association it shall call a meeting of all members of the Association who have the power to vote and of the inhabitants of the area of benefit of the age of eighteen years and upwards of which meeting not less than 21 days notice (stating the terms of the resolution to be proposed thereat) shall be posted in a conspicuous place or places in the area of benefit and advertised in a newspaper circulating in the area of benefit and given in writing to the Secretary of State for Education and Science and the Secretary of the National Federation of Community Associations. If such decision shall be confirmed by a simple majority of those present and voting at such meeting the Council

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SHEERWATER PYLON

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shall have power to dispose of any assets held by or in the name of the Association. Any assets remaining after the satisfaction of any proper debts and liabilities shall be applied towards charitable purposes for the benefit of the inhabitants of the area of benefit as the Council may decide and as may be approved by the Secretary of State for Education and Science.

18. ALTERATIONS TO THE CONSTITUTION. Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Association not less than 28 days before the date of the meeting at which it is first to be considered.

An alteration will require the approval of both:

- (a) a simple majority of the members of the Council present and voting at a Council meeting;
- (b) a two-thirds majority of individual members and representatives of the Constituent bodies and Sections of the Association present and voting at a General Meeting.

Notice of each such meeting must have been given in accordance with normal procedure but not less than 14 days prior to the meeting in question and giving the wording of the proposed alteration.

No alteration to Clause 2 shall be made without the consent of the Secretary of State for Education and Science.

If Trustees have been appointed in accordance with Clause 16 hereof, an alteration shall not be made without the knowledge and consent of the Trustees, but such consent shall not be unreasonably withheld by them.

This Constitution was adopted as the Constitution of the Community Association at a Public Meeting duly convened

at 19

Signed

Chairman
Secretary

NOTES

(1) Here define the area to be served: e.g. give the name of the neighbourhood or of the town and if necessary indicate the boundaries of the area (names of streets, railway, canal, etc.).

(2) The number of members appointed by Constituent bodies or Sections need not be limited to one each. Every Association should consider in the light of local circumstances whether the number should be greater. Where there are, as yet, non independent organizations, e.g. in a new housing area, which could become Constituent bodies, it is still useful to make provision for them to join and be represented, and so avoid having to change the Constitution later.

(3) This Clause gives the Council powers to fix or vary subscription rates. This includes rates for Full, Junior and Associate members, preferential rates where more than one member of a family becomes a member of the Association and

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block membership where, for example, a Constituent body wishes to take out a general subscription covering all its members. Such details are better not laid down in the Constitution but left to the Council to decide as new circumstances arise.

(4) It is not essential that the number of Council members to be elected by Full members of the Association at the Annual General Meeting should equal the number of members appointed by Constituent bodies and Sections. The proposal should be varied to meet local needs (e.g. where there is a large number of Full members it may be desirable to provide that one Council member shall be elected for every fifty Full members or other suitable number). The aim should be to have a useful balance between individual interests and group interests.

(5) As a general practice, employees of an Association attend meetings but are not actual members. In some cases it may be desirable that the (paid) Secretary or Warden should be a voting member of the Association or of a committee. This clause leaves it open to the Council to decide which, if any, of its employees should sit as voting members.

(6) In this form of Constitution responsibility has been divided between the Council and the Association in General Meeting. In order to avoid overlapping of the powers of the two bodies, their functions have been carefully defined in Clauses 8, 10 and 11. Apart from the particular matters referred to in Clauses 10 and 11, the Association in General Meeting can only make recommendations and not decisions. Final responsibility, however, resides in the members of the Association in the sense that any person outside the Association and having any dealings with it would look to the members of the Association as a whole to discharge their obligations and not to the Council.

(7) The Executive Committee is the day-to-day 'business' committee and should be small. It is suggested that the number of elected members should be about 10. It is not essential to have both a Council and an Executive Committee. Some smaller Associations may find it quite sufficient to have a Council or 'General Committee' only. Where this is decided, one of the two following alternatives may be taken:

- (a) Substitute the word 'may' for 'shall' in line 2 of Clause 12, thus making the appointment of an Executive Committee permissive at a later date without having to alter the Constitution.
- (b) Make the following changes:

Delete Clause 12

Delete references to the Executive Committee from Clause 9 and 13. In Clause 14, line 1, substitute 'Council' for 'Executive Committee' and in lines 3 and 4 delete the words 'shall be subject to review by the Council and'

Re-number Clauses 13 to 18.

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July, 1965 SHEER WATER PYLON Page 18

Proposed by: Mr. A. Jordan.
Seconded by: Miss P. Burger.

This motion will be put forward at a Special General Meeting, the date of which to be announced later.

F. L. EWINS, *Chairman.*

The Pylon Committee regret that owing to circumstances we cannot, as promised, publish further details of snapshot competition until next issue.

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(In either case it will probably be desired to alter line 4 of clause 8 so as to increase the minimum number of times for the Council to meet during the year).

(8) This provides for the Executive Committee to be appointed annually. Sometimes it is thought desirable to appoint such a committee for three years or to appoint them for three years, one-third retiring each year. Retirement by rotations is easy to provide for in a simple form of Constitution but not so easy in the more complicated Constitution of a Community Association. Here the Executive Committee is appointed by the Council but some of the members of the Council retire annually and some go on from year to year. It is advisable, therefore, before attempting to vary this clause so as to provide for a system of rotation, to give careful consideration also to the way in which the Council is appointed.

(9) This Clause purposely gives wide powers to the Executive Committee to appoint sub-committees and the Executive Committee must be careful when setting up a sub-committee to lay down not only its terms of reference, but also its exact constitution and powers, if any, to co-opt. It is usual to provide that where a sub-committee is to take its own decisions without reference back to the main committee or is to have financial powers, the number of co-opted members should not exceed a third of the members appointed directly from the members of the main committee.

(10) An individual may, in addition to his personal membership of the Association, be appointed to represent one or more Constituent bodies or Sections on the Council. This Clause makes it clear that however many interests he represents he may exercise only one vote. In discussion he may, of course, express the opinion of any group he represents on the Council as well as his personal viewpoints if a Full member.

(11) The Auditors are the 'watchdogs' of the members and of the general public and it is therefore important that they should be appointed at the Annual General Meeting. The term 'qualified' means any person who is a member of any body of accountants.

(12) It is not usually necessary to appoint Trustees unless and until the Association is about to acquire a site or building, either freehold or on long lease, for the purpose of a community centre, or receives as a gift, or wishes to appeal to the public for funds for some special object and therefore needs to ensure that they are kept separate from the Association's general funds. Where trustees are appointed the number should not be less than two and not more than four and wherever possible should include younger responsible people to ensure continuity.

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