

## REVIEW OF CPRA CONSTITUTION FOR 2019 AGM

At the 2018 AGM a revised form of constitution (“the 2018 draft”) was put forward for consideration, albeit no resolution for change was proposed. The redraft met with some criticism from members and it was decided that the new management committee (MC) should review the constitution having regard to the apparent intentions behind the 2018 draft and any other factors meriting change. Formal resolutions for any worthwhile changes would then be put to the 2019 AGM.

### Definition of Curzon Park (Clause 3(a) and Schedule)

It had been suggested in the 2018 draft that the current geographical boundaries of Curzon Park as defined be removed. The MC feels, however, that as the core purpose of CPRA as set out in Clause 2 is to benefit those living within a specific area, it remains essential to know where it begins and ends. The MC sees no reason to change the current boundaries, though it remains open to others who feel there should be an increase or decrease in the area served to propose a change to the Schedule in the way already prescribed for constitutional change.

### Eligibility for membership and becoming a member (Clause 3(b))

The 2018 draft had proposed that residents (and residential property owners) within Curzon Park and, if the geographical limitations has been removed, even outside it, automatically become members, so obviating the need to maintain a members’ register. Having regard to the law relating to unincorporated associations and the terms of our bank account, the MC cannot adopt this suggestion. An association does not have an existence separate from the people who make it up and it’s a basic requirement that they are identifiable. People cannot legally be considered to be members of an Association and share its obligations unless they have agreed to do so, and to be bound by the constitution.

A change is, however, proposed to place the burden of maintaining a register on the MC as a whole, rather than on the Secretary and to clarify that the job may be delegated to any volunteer member of the association, whether a member of the MC or not.

### Use of email and the giving of formal notices (Clause 6.1(g))

While the 2018 draft was vague about its precise intentions, there was an apparent wish to give constitutional status to the use of email. It is, of course, in any event widely used already for communicating with members who have a current address registered with the Association, but as there is a substantial proportion who do not, the MC does not consider that at this stage email can be given status as the means of conveying formal notices (e.g. of the date and agenda of an AGM) to members when all are entitled to notice. Wording is, however, proposed which will allow email to be used exclusively when the point is reached

at which all members have registered email addresses and have agreed to them being used for this purpose. Meanwhile, it will be clarified that including a formal notice in a newsletter will meet the requirement.

#### The three year rule (Clauses 5 and 6.1(e) and (f))

The MC considers it important to maintain the rule that a member who has served on the MC for three consecutive annual terms must step down for at least one subsequent year, except when - and to the extent that - there would otherwise be no quorum for MC meetings. The 2018 draft proposed to make a further exception to allow an officer to continue for an additional year if no replacement were identifiable at the time. The MC prefers that those who are elected at an AGM at which such a vacancy is unfilled be required to take reasonable steps to find a replacement (as has been done successfully in the past), but if none can be found within three months, be permitted to reappoint the retired officer if he/she is willing to resume at that point. No change is proposed to the rule that the Association be dissolved if there is not a properly constituted and functioning MC within 6 months. If from a population of 1800 or so, people enough people cannot be found to serve, dissolution is appropriate.

#### Procedure for changing the constitution

In the present constitution only 7 days' notice to the Secretary is required for a constitutional change to be proposed at a meeting. As notice of the proposed change must be given to all members, this period is impracticably short and substituting 28 days is considered appropriate.

#### Minor changes

A number of changes are proposed which make no practical difference to the constitution but are desirable either for clarification, to correct minor errors or to reduce verbiage. These are:

Clause 2.4 - Addition of "other relevant bodies and other agencies" rather than just "agencies"

Clause 3(a) - removal of list of roads which is in any event set out in the Schedule

Clause 4 – simplification of equal opportunities statement

Clause 5 – numbering of paragraphs

Clause 8 – removal of the reference to the initial accounting period and to independent examination of the accounts

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Chairman

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