

Guide to Proposed Constitutional Format for Lambeth CPCG

Context

CPCG for Lambeth has a long and distinguished history. It was one of the first CPCG's to follow from the Scarman report into the Brixton disturbances in 1981, and has provided an important forum for consultation between the police and community in Lambeth. Throughout its history it has made innovative interventions whose effects have gone well beyond Lambeth, from the first Gun Amnesty, through the 'Lessons from Tragedies Report' to the current work on Stop and Search. It has benefited from a diversity of talented and committed Community activists and police officers working together to address issues of central importance to the well being of our communities.

The commitment of CPCG to fair and effective policing for our communities is undiminished but the context has changed. Key changes have been:

- The history of joint working has changed the climate in which we work ;
- The formation of the Metropolitan Police Authority, as the (largely elected) Governance body for the Metropolitan Police Service;
- At borough level, strategic direction for community safety issues is the remit for the CDRPⁱ. CDRP's have provided an excellent vehicle for joint working. In Lambeth, the clarity of the recent Community Safety Audit together with, for example, the strategy for both enforcement and treatment in respect of drug users attest to this. Nonetheless, they have a perceived weakness in respect of community engagementⁱⁱ
- Consultation has moved on, over the past twenty years, in virtually every area of the public services. There are now a multitude of consultative fora and mechanisms which the MPS, MPA and DAAT-CDRP can choose to use, at both borough and pan-London level.
- The national policy position on community safetyⁱⁱⁱ and engagement clearly places a key focus on local accountability but is critical of the contribution of the perceived limitations of CPCG's, citing the limitations of public meetings as a sole vehicle for engagement.
- The introduction of Safer Neighbourhoods, though still in its early stages, has provided a very local and operationally focussed engagement but one which will also have borough wide implications;
- CPCG's, which had been considered as 'Agents' of the Metropolitan Police Committee and initially of the MPA, now have a relationship with the MPA as voluntary bodies which the MPA may choose to fund. As such they are unincorporated associations, the risk and liabilities of whose actions are shared by the membership;

In consequence, CPCG needs to refashion itself in ways which will enable it to earn the position of the vehicle of choice for engagement on community safety issues, taking into account each of these changes in the it's environment,

<p>To provide a range of vehicles and activities for engagement which include, but go beyond the traditional mainstay of public meetings. CPCG has always done much more than just public meetings (in our working groups, ...etc) but this needs to be built on and extended.</p>	<p>This will require both a greater participation from a broader membership as well as enhanced resources, which can only be found by seeking funding from sources additional to the MPA. CPCG will have greater chance of achieving the latter if it becomes a registered charity</p>
<p>To use such vehicles to become more open and accessible. To establish a broader participation of individuals, associations and statutory agencies in the Group,</p>	<p>CPCG needs a broader committed Governance which input from all three constituencies.</p>
<p>To ensure independence and security.</p>	<p>CPCG need to diversify its funding streams and to ensure that its legal form is robust. The first will be better achieved through charitable status and the latter through incorporation as a limited company.</p>

The proposal for change addresses those three objectives and is set out below.

Key Elements of Proposal for Change

Structure

Current Structure

Membership

Permanent Members:

Statutory Agencies
Elected Representatives
Certain Charitable bodies

Anomalous positioning of the voluntary sector needs to be resolved.
Statutory members are excluded entirely from the Governance but routinely contribute informally to parts of Group Officers' meetings

Affiliated Community Groups

Individual Members including Co-optees

Mitigates against inclusiveness, can appear as self-perpetuating oligarchy.

Governance

Five Group Officer's elected to specified roles.

Risks:

Inadequate volunteer base to lead on more diverse activities (above)

Confuses elections to Governance in general and to specific roles.

Inadequate spread of opinion

Absence of any input from agencies precludes consensus building at governance level.

Legal Form

An unincorporated association. Unlimited liability falls on the membership.

The proposal is to:

- include an open, individual membership,
- to resolve the anomalous position of charitable bodies,
- to extend the governance to a 12 member Board;
- to include statutory bodies in the governance.
- To register CPCG as a limited company and as a charity.

Proposed Structure

Membership	Governance
Statutory Agencies :	
Any public body working in the work in the Borough whose work has a substantial impact on Community Safety and Policing.	Elect three members to the Board. If individuals are constrained from taking Trustee/Director role, they will be coopted as Advisors but will not be able to vote.
Voluntary and Community Groups.	
Any properly constituted Voluntary of Community Group in the Borough which have an interest in and support the objects of CPCG. Includes charitable bodies working in the borough.	Elect four members to the Board.
Any individual who lives, works or studies in the borough and who supports the objects of CPCG	Elect five members of the Board.
	The Board will elect a Chair, Treasurer and appoint a Company Secretary. It may choose to elect Vice-chair(s). Individual Board members may be asked by the Board/Chair to undertake specific tasks eg sub-committee chairs, as the need arises.
	Board members will normally serve a two year term. Honorary Officers will serve four years,
	However, at the end of the first year the whole Board will be up for re-election

Processes.

Subject to approval at the July AGM, the following will be the processes for membership and Governance in the period up to the resumed AGM in October and beyond

Prior to October Resumed AGM

Membership	Governance
The Group will operate as under the current Constitution. Any new applications for affiliation will be dealt with under the existing constitution.	The Group will operate as under the current Constitution The Group officers will apply for registration as a limited company, of which the current Group Officers will be the first Directors.

At the October resumed AGM:

- The current Group officers will resign as Directors of the new company.
- A new Board will be elected as described above
- Board members will become Directors of the Company
- The AGM will instruct the Board to register as a charity.
- The AGM will also instruct the Board adopt the Memorandum and Articles and draft Rules and Regulations as the basis for the new charity. The Board will review the Rules and Regulations and report on that review to membership.

After the October resumed AGM

- On registering as a charity, Board members will become Trustees of the charity.
- Priorly existing members will flow-through into the new structure. The Board will have a duty to review their continuing eligibility, as it will with all members periodically.
- New applications for membership to the Board, who will have a duty to admit all eligible applicants. Appeals will be to the Board.
- The membership will have the right at any time to call an EGM to:
- Remove any or all Board members
- Dismiss the Secretary
- Change the Rules and Regulations.

Activities

Whilst it is intended that, in consequence of these changes, CPCG will be able to diversify its activities to cater for a more numerous and more diverse group of people, public events will remain an important feature.

It is intended that there should still be a monthly public event which may be adapted in format as the new Board determines to meet CPCG's overall objectives.

There will still be a need for Governance to keep the membership informed about the 'business' of CPCG (Finances, funding applications, plans, membership and so on) and it is proposed that one meeting each quarter has a formal place for that accountability, in addition to the AGM. Where these quarterly meetings have resolutions which have constitutional implications, they will be designated as EGM's with appropriate notice (as set out in the Rules and Regulations).

Q&A's

When will the new arrangement come into force?

At the October resumed AGM

Why let Statutory bodies into the Governance – shouldn't this be entirely community led?

The objective is to build an organisation that will encourage consensual, partnership working and which can identify, and resolve, differences. This should be reflected in the governance as well as the membership. More generally, the governance should reflect the membership constituencies.

Why is a 'collegiate' voting system proposed?

This arrangement will mean that members vote for Board members within the type of membership they themselves hold. So Individual Members will vote for the five Individual Board Members and so on.

The purpose of the arrangement is to provide some inertia, and thereby stability, in the Board. For example, a sudden influx of individual members drawn by a current, but passing, issue in the Borough could only still vote for 5/12ths of the Board. It provides some resilience, which can never be absolute, against entryism.

Likewise, the statutory agencies, who are typically well organised and resourced, are still limited to just 3 places on the Board/

Why is it proposed that we form a company as well as a charity?

We are proposing to form a company so that the liability is limited to £1 per member. The Treasurer will ensure that the assets of the company at least cover the eventuality of that liability having to be met.

As we stand, the liability is unlimited and shared by all the members.

We are proposing to register as a charity to gain access to funding streams but also because, as a company, we would be liable to tax on any gains to our balance sheet in any tax year.

The proposed Board looks to have more ‘power’ than the existing Group Officers. Is that so and why?

It is so. It is a consequence of forming a company. In essence, the risk is carried by the Directors who are indemnified by the company (whose liability is limited) as long as they are acting legally and professionally, taking advice where necessary. They will be answerable in law if they don't. By the same token, they will be answerable to the Charity Commission as Trustees. They could end up being disqualified from being a Director or a Trustee of anything if they get it wrong.

So they have in the short run more power to go with those responsibilities.

So, what's to stop the Board getting elected and doing just what they want?

The membership can at any time call an EGM and vote out all or any Director(s)/Trustees. The Board will also be bound by Company and Charity Law.

Why is the copy of the Rules and Regulations which have been sent out headed ‘Draft’?

Because they are just that until they are adopted by the new Board.

Is it a good idea to have a gap between the two AGM's?

This is to allow the registration of the company. The intervening period is just two months, one of which is August when the Group doesn't meet anyway.

Are we going to have fewer meetings?

No, we shall still meet at least ten times a year as in the current constitution. The format of the meetings may be varied, but there is still the requirement for the Board to keep the membership informed of what they are up to.

Why are Councillors excluded from the Board, together with the CEO and the Borough Commander?

Engagement vehicles like CPCG are meant to complement electoral democracy, not to be an extension of it. Councillors have considerable power and influence from within the Council, given to them by the electorate. Bodies like CPCG are opportunities for ordinary people to make their input.

On a practical level, if we had any Councillors we would have to have three if we are to avoid the charge of political bias. This would result in distorting 'political' dimension to the Board's activity, given that there are only twelve places overall.

The Council and the police are often asked to account for their actions at CPCG events. It would be inappropriate if their most senior officers were on the Board. Councillors, the CEO and the Borough Commander would of course be able to attend Board meetings as the need arose.

Why are Board terms two years and Honorary Officers four?

It is generally accepted that anyone joining a Board such as this, in order to make a serious contribution, will often spend the first year learning their role. The term for Honorary Officers is longer to ensure stability.

ⁱ The CDRP is the Crime and Disorder Reduction Partnership for the Borough. It is a partnership between statutory and community bodies to address community safety issues. It's members include the Council, the police, the Health Service as well as CPCG and other community bodies.

ⁱⁱ 'A review of community police engagement arrangements at the borough level' MPA June 5

ⁱⁱⁱ 'Building Communities, Beating Crime' Home Office 2004