

Member comments on draft FoTG Constitution

Committee Responses in Pink

Comments were received from 8 members. We set them out below under the following headings. All comments are anonymous. Individual comments are marked with a bullet.

General Comments

- What is Turnham Green - I think the area designated as 'Turnham Green' should be accurately identified as there is a lot of local confusion, given the name of the Underground Station, which is a long way from the two areas of green located either side of Town Hall Avenue. Is it possible to give an OS reference? I don't think it is sufficient to rely on its being the area known as Turnham Green by the London Borough of Hounslow. We cannot know that LBH may not change its designation in the future or that some other change may not take place. Is it, in fact, common land? In which case, it should also be designated as such given the propensity of the local authority to use land that was previously public land for private purposes, eg the area in front of Chiswick Town Hall which was changed to being a paid parking area, several years ago. Ditto the road that runs past the police station, parallel to the High Road, which was originally known as Market Place.

Comment; we have tried to define Turnham Green a little more clearly.

Turnham Green is not common land, however neither does it belong to LBH so LBH cannot take away any part of it

- One thing I would like to see included in the Constitution is the word 'protect'. With Councils stretched and developers finding increasingly clever ways to over develop, it is important that the Friends are recognised to be seen protecting the open space. It's not always about change. We've seen this year how important just having the expanse of grass has been to people. It's never been busier! Any chance of a new sign somewhere saying that the space is supported by FOTG and who to contact if you'd like information or to volunteer?

Comment; we have inserted "protecting TG as an open space" in para 11(c)

We would love to put up new posters in the sign boxes. However, would you believe that the Council has lost the keys to them !? We will do what we can.

- Your note says that you want discussions on this proposed constitution to be open and transparent, and I absolutely agree with that. So I am very happy for my thoughts above to be published under "Reactions to Proposals" or whatever, and in the same vein, I would be interested to see others thoughts, and consider my views in the light of those.
- Openness and clarity are always good.
- I take it that the Council is liable for any accident which lack of care or maintenance may cause to people on the Green (e.g. branch or tree falling and crashing someone). Is that correct?

Comment; The Council would be liable if it can be proved the injury was caused by a breach of duty by the Council to maintain.

- Consultation paper - On the whole this provides a reasonable background to the draft Constitution.

However, I must point out that on Page 1, para 8 contains inaccurate information regarding the cherry tree saga. Although several people on the Landscape Committee raised concerns about the tree planting

proposal with me after the 2020 AGM, as it had been FoTG's custom over the past ten years that all proposals are first reviewed, and usually refined, by that committee before going to a public meeting, the customary procedure was not followed in this case. One individual, not two, raised a complaint with a local Councillor and Hounslow officers. As I understand it, she asked for the proposal to be deferred (presumably for further consideration) rather than locked or over-turned.

Structure of FoTG

- Agree not to incorporate as limited company
- I am happy with what you suggest here
- why doesn't FOTG have legal personality? If it was registered as a charity (as a simple CIO) it would have legal capacity and the liability of its officers and members would be limited. In my view, this would be a very simple solution and much preferable. Its purpose is likely to fall under the purpose: 'The advancement of environmental protection or improvement' as recognised by the Charity Commission.

Comment; We do not think we can really call ourselves a charity right now, but this might change in time. Further, the compliance requirements even for a simple CIO involve extra work for the Committee.

- The wording here may need modification. It has been suggested by the Council that we form partnerships with other organisations and Lampton 260 when appropriate to deliver projects. An example was the relationship between Lampton 360, FoTG and Cultivate West London to plan and execute work on the wild flower meadow. Some of the costs were paid by FoTG. There are likely to be similar arrangements in the future.

Comment; We have expanded as suggested in paragraph 12(a)

FoTG's Purpose & Aims

- Article 11. Add 'Promote community cohesion by bringing groups of local residents together to carry out practical work or help to maintain the Green in good condition'. Personally I think this is something we have been very successful at!

Comment; We think this aspect is probably covered adequately in paragraph 11(a).

- Article 12 does not accommodate private donations

Comment; We have made a revision to paragraph 12(c)

Membership

- I would like to propose that Membership should be limited to those who live in the Ward boundary designated Turnham Green. By not doing so we are open to being hijacked by groups who do not live in TG ward but who have their own (political/commercial?) agenda. An example of this was the number of respondents in favour of CS9 who live outside of the affected area. I personally do not feel entitled nor deem it correct that I could vote on an action impacting other parts of Chiswick that would affect me minimally or indirectly. Whilst I acknowledge that the Green is a key focal point of the High Road given its proximity to the High Road / Chiswick Park Station many of the users are not residents of immediate neighbouring streets - and indeed many are people who work in Chiswick but do not live here - and it is precisely because of this that non residents of TG Ward should not be allowed to be members. Decisions relating to the Green will be severely skewed by allowing membership to non TG ward residents. IF however the majority of current members agree that membership should be open then I

would propose that all Committee members should be residents of TG Ward. Perhaps also limit membership to one person per household of non TG Ward residents....

- I suggest it would be preferable to have an objective means of deciding who can be a Member, e.g. residence within a mile of the Green.

Comment; the Council defines us (and other Friends' groups) as "local people with a vested interest in (Turnham Green)", hence the definition in paragraph 8. The "locality" as such is not restricted.

- I think the 'single issue' concept could be difficult - people's interests may grow as they become involved and learn what we do. In any case, how or why would we prove they have just one single issue? Consider saying 'genuine interest' rather than 'vested' interest, as this is not primarily a group for people whose businesses depend on Turnham Green.

Comment; the "vested interest" wording is a bit inelegant but is actually the Council's. It connotes a personal interest in something because you can gain advantage from it (not necessarily financial), so it doesn't seem totally inappropriate.

- £10 membership fee is appropriate
- Subscription - I joined, last year (2020), in order to be able to vote in the election to appoint a new Chair; so far as I know, I don't believe I paid any kind of subscription fee. Is this now required? If it is, the Constitution should, I think, state the purpose of charging a subscription fee and the use(s) to which income derived from subscriptions will be put. The Treasurer should also issue some kind of document (paper form or card?) so members have evidence of their being a member of FOTG and of having paid the subscription fee. Is it annual? The Constitution should mention the periodicity of any joining/subscription fee.

Comment; we have tried to express the broad purpose of the subscriptions in paragraph 13

For the purposes of clarity and accuracy, we must make it clear that we are puzzled by this member's assertion that they joined just before the election in order to vote for the Chair. This contributor (who must remain anonymous) has in fact been an active member (in the sense of attending a number of AGM's) over the years !

- Subscriptions - For 13 years up until "Cherrygate" and the effective suspension of the Friends, the Friends functioned quite well, and achieved a good deal, as a loosely based organisation with members effectively being those who turned up at meetings and discussed whatever was on the agenda. I think it would be a shame to lose that because of an over - reaction to Cherrygate.

I was alerted to the existence of the Friends some years ago when I saw a notice about a forthcoming meeting at Christ Church. Since then I have "dipped in and out", attending meetings (when I could) where I am interested in the agenda, and not attending others. Somehow I got on to the mailing list, but I imagine other people who use the Green probably still engage with the Friends in this way.

And I think this is the best way to involve an appreciable number of people about decisions concerning the Green. £10 is not a great deal of money to the members of FOTG, but I'm sure some people will wonder if they can be bothered, take the view that they only walk across the Green now and then and what could really go wrong, and decide not to join. There is a danger that membership could shrink to a small clique of people with houses or flats overlooking the Green, which would be a pity. And I would suggest LBH would think the same,

Meetings will supposedly be open to non - members, which is good, but will they be allowed to speak? Will they be allowed to vote? The proposed constitution is silent on this. And is the Treasurer going to check every time a member speaks that he or she has paid their subs?

I would much prefer to stick with the present no-subs flexible arrangement that has served the Friends well for so many years.

Comment; we have clarified the “rights” of non-members at paragraph 31. How the Chair/committee deals with non-members at the meeting may best be left to their discretion.

- Subscriptions yes : I would suggest £15 or £20 per member per annum.
- Happy to pay £5 - £10 per annum. Maybe a 'pay what you can' with a minimum would be a good idea.

Code of Conduct

- 20 b) I think the wording here is rather over the top. If we have in place a rule that ‘any proposal which is likely to alter the outward appearance or character of the Green must be considered thoroughly by the committee and publicized on the web site 28 days before a public meeting’ then I think the kind of problem which occurred after the last AGM would be unlikely to arise.

The committee should make sure it has considered thoroughly any proposal which it intends to be presenting at an AGM or public meeting. This is both to check it is desirable and do-able, and examines it for possible disadvantages. It should also make sure that any one proposal does not compromise another which may be presented later in the meeting. (After the 2020 AGM it turned out it would not be possible to implement in full both the cherry tree proposal and the ‘spinney’ proposal, both of which gained consent, as there simply wasn’t enough space for both and the requirements of the fun fair).

- Code of Conduct: I don’t suppose having this will do any harm, but it is both unnecessary and useless. Of course, as Friends, we should be respectful of each other, but I think that can be taken as read. If anyone is rude or offensive in a meeting the Chair can deal with that. Does it really need to be set out?

As for respecting the democratic decisions of the Friends, I don’t believe that will generally be an issue (and as far as I know was never an issue from 2006 until Cherrygate). But if someone, or a minority, drastically disagree with something the Friends have decided on they will do everything they can to stop it. They will contact the council or whatever, irrespective of what the code of conduct says. That is the reality of life. And we have to accept that is their right; LBH owns and maintains the Green, and it is elected by all the citizens of Chiswick whereas the Friends is a small self-selecting group. Isn’t it better to try and reach agreement or compromise but accept that on some occasions a Friends decision or policy will be challenged?

- Code of Conduct: absolutely. Having been at the receiving end of a sarcastic comment from a woman I did not know then (sadly I do now), because I did not vote for the Cherry Trees at the last meeting is totally unacceptable. All members should be made to sign a Code of Conduct.
Question : would a member be deemed to have broken the Code of

Conduct if he/she has made comments on a public forum which are considered inflammatory / vicious and vitriolic???

Comment; we cannot comment on individual cases. We propose that the code is prospective and relates to future conduct. It includes activities on social media, see paragraph 20

- Setting out clear rules of respectful behaviour and what will not be tolerated is essential.

Suspension or Termination of membership

- 21-23 - any right of appeal? If someone makes a complaint then before being kicked out they should have a right of response
- 23. Shouldn't the accused member have a right to have the reasons for their behaviour heard by the committee?

Comment; we have inserted some new text to Paragraphs 22 and 23 give the "accused" a right to respond.

Consultation process

- Agree
- I have just looked at the FoTG website how would I know to look at something that is proposed there? Put there as well as email members?

The Committee

- Agree that 7 people is a fair number. Also one person per household only on the committee
- Committee size - your proposal looks good.
- 49. This needs to be larger than 7 to make sure it represents a good range of views and interests, and also has enough people to take on all the work. It should also allow reasonable representation of those who regularly undertake practical work, whether that be planting, weeding, organizing litter picks or social events etc. Plus you will need some individuals with particular skills eg horticulture, preparing publicity materials etc. Where this is a long term requirement, rather than a short term one off project, they should have full voting rights like other committee members. I suggest ten would be a good number.
- Committee Composition and Sub-committees - agree with your proposal
- Sub-committees - good plan. Fill with different areas of expertise do what they know how to best.

Conduct of the Committee

- 58. The quorum should be more than 4. A committee of ten with 6 as a quorum would be more representative.

I would like to see a reference to a clear intention that the Chair would try to conduct meetings to achieve consensus as far as possible. This will make for a happier group, and better sense of being a team/ less factionism. Rebecca has done this admirably in the Landscape Committee, whether by intention or just her natural manner, but it's a good principle to have at the heart of organization.

59. As outlined in your document, the committee appears top heavy with the officers having an automatic majority. That is not democratic!

Comment; this is a misunderstanding. We have clarified in paragraph 49 that the 7 elected committee members include the Officers who of course are elected.

General Meetings

- 27. there shd also be physical posters stuck around the Green. there are still people without emails, and also maybe new members might be attracted?
- article 31: the general public is admitted to meetings but as I understand it, only Members are entitled to vote. How are you going to manage this? How will you segregate each group whilst ensuring peaceful proceedings?
- 32. Sometimes we will need a secret vote, especially if something is controversial or the issue is sensitive and people want to give their view confidentially (as when we considered the Tommy Hollis memorial garden, where we gave them a short questionnaire to complete). The committee should be able to recommend where this is the most suitable approach.

Comment; we have made a tweak to paragraph 34 to allow this

AGMs

- These should also include election of officers, or ‘confirmatory’ elections’ if it’s a year when none of the officers stand for election.

Comment; this is provided for already at paragraph 37(d)

Officers

- Chair and deputy is a good idea.... a team!
- 68, the indemnity. Personally, I would not wish to be a Member if this article remains in the constitution. It is not fair to ask members to indemnify officers for actions which members have not approved nor on which they have any control.

Comment; we would hope that there would never be any circumstances where an indemnity would be called upon. However, this should have been addressed and we suggest that Officers must first advise members of (1) the intention to enter into a contract with a consideration of over £500 and (2) of any prospective litigation, so that Members have “call in” option to vote on the proposals at an EGM. We have amended the text of paragraphs 67 and 68 accordingly.

- 66- 68. The document contains no reference that I have spotted to election of officers? Is this intentional or is it intended that they serve the same terms as other committee members? It is essential for a healthy organization to encourage new blood to come through at all levels both to maintain vigour and fresh ideas, and to prevent an excessive sense of ownership by a small clique of individuals. I hope the vice chair will be elected.

Comment; see response to comment no 59. The Officers are elected.

Finance

- 72. This section needs a bit more thought. Sometimes funds are needed at quite short notice for the plots we manage. If you make it too complicated individuals find they just have to draw on their own money. Some people may not be in a position to do this. For ecological and horticultural work, it is often necessary to buy materials at short notice, so the bureaucracy needs to be simple and have some flexibility. We also need to consider funds raised by members, either through funding bids or perhaps at events. If someone has gone to the trouble of raising funds, they should have a say in how it is used. Funding agencies will have their own requirements as to what the money is to be used for.

Comment; we have added a rider to paragraph 72 to address necessary ad hoc purchases.