

# PEBA The Planning & Environment Bar Association

## CONSTITUTION As of July 2018

### 1. NAME

The name of the Association shall be the Planning and Environment Bar Association.

### 2. OBJECTS

The objects of the Association shall be to provide a professional organisation for practicing barristers as defined by the Bar Council Code of Conduct in force for the time being who practise in England and Wales in the fields of Local Government planning or environmental law; to represent their interests and views as and when appropriate within the framework for the government of the Bar of England and Wales; to provide opportunities to meet and discuss matters of interest to those barristers; and to do anything which may be conducive to or facilitate such objects.

### 3. MEMBERSHIP

- i) (a) Membership of the Association shall be open, upon payment of the requisite subscription, to any practising barrister in England and Wales if a significant part of his practice lies in the field of Local Government planning or environmental law.
- (b) Associate membership may be conferred, subject to the provisions of 3 (v) below and upon payment of the requisite subscription, on:
  - (i) any barrister who is not a member of the Bar of England and Wales provided that such a member satisfies the entry requirements as set out in 3(i)(a) of this constitution in all other respects.

(ii) any practising barrister in England and Wales active in the field of Local Government planning or environmental law.

(iii) any barrister in pupillage in England and Wales with a significant interest in the field of local government, planning and environmental law.

(iv) any individual studying the Bar Vocational Course with a validated provider with a significant interest in the field of local government, planning and environmental law.

- ii) The Committee shall be the sole judge of whether an applicant for membership is, or a member continues to be, eligible for membership.
- iii) A person shall cease to be a member if he fails to pay the requisite subscription within 28 days of the due date for payment, or if the Committee, being satisfied that he is no longer eligible for membership, calls upon him to resign.
- iv) The Committee may elect any persons as Honorary Members who shall have no right to serve as an Officer or on the Committee of the Association, or to propose or second a candidate for office or membership of the Committee, or to vote.
- v) An Associate member shall have no right or entitlement to vote on any matter with which the Association is concerned. The total number of Associate Members shall at no time exceed one third of the total membership.

[\* the underlined text was amended pursuant to the resolution made at the AGM on 17 July 2009]

#### 4. OFFICERS

- i) The Officers of the Association shall be a Chairman, a Vice-Chairman, a Secretary and a Treasurer all of whom shall be elected by the Association in General Meeting; and may include an Assistant Secretary.
- ii) On election the Chairman and Vice-Chairman shall serve for a term of three years and the Secretary and the Treasurer for a term of one year.

- iii) A person shall not hold the office of Chairman or Vice-Chairman for more than one successive term.
- iv) Should any office fall vacant the Committee may elect a replacement who shall hold office until the next meeting of the Association.
- v) The Committee may at any time appoint an Assistant Secretary to hold office for a period determined by the Committee.
- vi) Where the Chairman or Vice-Chairman were elected for a two year term prior to 13 July 2018, they shall notwithstanding Rules 4(ii) and (iii) be able to serve upon election for a further term of one year. This Rule shall not apply where the Chairman or Vice-Chairman have already been elected to a second two year term of office.

## 5. COMMITTEE

- i) There shall be a Committee of the Association which shall comprise:
  - (a) the Officers ex Officio
  - (b) eight members of the Association elected by the Association in general meeting, of whom not less than four shall be Juniors and not less than one under ten years call, and
  - (c) such further members of the Association, not exceeding eight of whom not more than four may be Silks, as the Committee may co-opt. (provided that the preceding provision of this rule shall not disqualify a Junior member of the Committee who takes silk during his or her term of election or co-option from serving on the Committee for the remainder of the year in which the appointment to silk is made).
- ii) A member shall be elected to serve on the Committee for a term of two years, provided that the two most junior Silks and the two most junction Juniors elected to the first Committee shall retire at the end of the first year.
- iii) A person shall not serve as an elected or co-opted member of the Committee for more than six successive years in total.
- iv) The Chairman and Vice-Chairman shall be the Chairman and Vice-Chairman

respectively of the Committee. In their absence a meeting of the Committee shall be chaired by the senior Silk present or, if no Silk is present, by the Junior who is senior in call.

- v) A quorum shall be five.
- vi) The Committee may appoint sub-committees and co-opt members of the Association as members of any such sub-committee. The number of Silks serving on any sub-committee shall never be more than half the membership of that sub-committee.
- vii) Save as aforesaid the Committee shall determine its own procedure.
- viii) The Committee shall have the power to make decisions and otherwise act on behalf of the Association.
- ix) The Committee shall have the power to fill casual vacancies on the Committee as they occur. Committee members so appointed shall service until the next Annual General Meeting following their appointment.
- x) A member of the Committee practising principally from provincial chambers is permitted and encouraged to notify to the Secretary up to two proxies, one of whom may attend and vote at a Committee Meeting as proxy for that member. Proxies must be members of the Association whose principal chambers are situated in the same provincial centre as those of the Committee member.

## 6. MEETINGS OF THE ASSOCIATION

- i) The first meeting of the Association shall be on the 4th July 1986. Thereafter there shall be an Annual Meeting as near as may be convenient to the anniversary of the First Meeting.
- ii) The Chairman may at any time, and shall within 28 days of a written requisition signed by not less than 20 members of the Association, convene a Special Meeting of the Association.
- iii) The Secretary shall give not less than 14 days written notice of the Annual or any Special Meeting of the Association, and not less than 7 days before any such Meeting shall send to members an agenda of the business to be dealt with thereat, being:

- (a) such business as shall be determined by the Committee, and
  - (b) any matter which any member of the Association wishes to raise and as in writing requested the Secretary to include on the agenda.
- iv) No resolution may be passed at any meeting of the Association save in relation to a matter of business contained on the agenda for that meeting.
- v) Subject to Rules 7(iv) and 10 a resolution may be passed by a majority of those present and voting.
- vi) Subject to Rule 7(iv) voting shall be by a show of hands or, if the Chairman of the meeting should so determine or not less than 10 members should so require at the meeting, by a poll of those present at the meeting.
- vii) In the absence of the Chairman and the Vice-Chairman a meeting of the Association shall be chaired by the Senior Silk present.
- viii) A quorum for a meeting or the taking of a vote thereat shall be 20.

## 7. ELECTION OF OFFICERS AND COMMITTEE

- i) A candidate for office or for membership of the Committee shall with his consent be proposed and seconded in writing to the Secretary not less than 7 days before the meeting at which his candidacy for office or membership of the Committee, as the case may be, is to be considered.
- ii) Every member shall have one vote for each vacant office and one vote for each vacancy on the Committee.
- iii) If there shall be not more than one candidate for any vacant office or no more candidates for election to Committee than there are vacancies, as the case may be, Rules 6 (v) and 6 (vi) shall apply for the purpose of election of the candidate or candidates.
- iv) If there shall be more than one candidate for any vacant office or more candidates for election to the Committee than there are vacancies,
  - a) a member shall not be entitled to cast more than one vote in favour of any one candidate or to vote for more candidates for membership of the Committee who are Silks than there are vacancies on the Committee for Silks in

accordance with Rule 5(i) or more candidates for membership of the Committee who are 10 years or more in call than there are vacancies on the Committee for barristers of such standing in call in accordance with Rule 5(i), and

- b) voting shall be by secret ballot on papers distributed at the meeting by the Secretary in such form generally as the Chairman (or, in relation to the First meeting, the Acting Secretary) shall prescribe, and
  - c) the Secretary and the Treasurer shall be responsible for counting the votes so cast, but if either of them shall be a candidate for election the votes shall be counted in his stead by the Senior Silk present at the meeting who is not a candidate for election or, if no such Silk is present, by the Senior Junior in call present at the meeting who is not candidate for election, and
  - d) the chairman of the meeting shall announce the results of the voting and then be responsible for destroying the ballot papers.
- v) A member who is unable to be present at a meeting may vote for a candidate by proxy, and for that purpose may appoint another member in writing to act as proxy on his behalf.

## 8. SUBSCRIPTIONS

- i) The subscription shall be:
  - £100 for a Silk
  - £50 for a Junior of 7 or more years call.
  - £15 for a Junior of less than 7 years call and,
  - £7 for anyone else,or such other amount as the Association may decide at the Annual Meeting upon or arising out of a proposal by the Committee.
- ii) Seniority shall be determined at the date when the subscription falls to be paid.
- iii) The subscription shall be paid annually on the 1st June.

- iv) A person joining after the 31st August in any year shall pay a due proportion of the annual subscription calculated by a reference to the proportion which the number of full calendar months are left before the next 1st day of June.

[\*At the AGM on 17 July 2009, it was decided that these subscription rates apply to full Members and that the subscription for all Associate Members shall be £7]

## 9. FUNDS

The Treasurer shall be responsible for the proper administration of the Association's funds and shall account to the Association at the Annual Meeting.

## 10. AMENDMENT OF CONSTITUTION

The Constitution may only be amended by any resolution which

- i) is included on the agenda for a meeting of the Association at which it is passed, or is an amendment of such a resolution which, in the opinion of the chairman of the meeting, does not enlarge its effect, and
- ii) is passed by a majority of not less than two thirds of those present and voting at the meeting.

## 11. FIRST MEMBERS AND FIRST MEETING

- i) The following are the First Members of the Association who have subscribed to this Constitution by paying their subscription to the Acting Treasurer:

Peter Boydell QC

David Widdicombe QC

Sir Frank Layfield QC

William Glover QC

Graham Eyre QC

Rt. Hon. Lord Silsoe QC

John Drinkwater QC  
Lionel Read QC  
Gerald Moriarty QC  
Roy Vandermeer QC  
Malcolm Spence QC  
Nigel Macleod QC  
Michael Rich QC  
Michael Fitzgerald QC  
David Woolley QC  
David Keene QC  
Gerard Ryan QC  
Jeremy Sullivan QC  
Robert Gray QC  
Alan Fletcher QC  
Christopher Lockhart-Mummery QC  
David Hands  
Anthony Dinkin  
Richard Phillips  
Alun Alesbury  
John Steel  
Keith Lindblom

- ii) Until a Secretary and a Treasurer are elected at the First Meeting, Richard Phillips and Nigel Macleod QC, being two of the First Members, shall be the Acting Secretary and Acting Treasurer respectively for the purpose of these Rules, and until the first Committee is elected they shall exercise the function of the Committee under Rule 3(iii).
- iii) The First Members may, if it is necessary, change the date of the First Meeting by a decision of the majority of them.

- iv) The first Officers and Committee shall be elected at the First Meeting in accordance with Rule 7. Nominations for office and proposals for membership of the Committee shall be sent to the Acting Secretary.
- v) The Acting Secretary shall give not less than 14 days written notice of the First Meeting to all who have by then become members of the Association and shall send to all such members an agenda giving details of the nominations for office and memberships of the Committee which he has received. The chairman of the First Meeting may, at this discretion, receive written nominations at the First Meeting provided they otherwise comply with Rule 7(i).
- vi) The chairman of the First Meeting shall be the senior Silk amongst the First Members present therat until the first Officers and Committee shall have been elected, whereupon the meeting shall be chaired by the Chairman of the Association or otherwise in accordance with Rule 6(vii).
- vii) No other business than the election of Officers and the Committee shall be conducted at the First Meeting, although the Chairman may allow discussion of matters of interest to Members.

## 12. NOTICES

- i) Any notice required or permitted to be given by these Rules shall be deemed to have been given if it is sent by post or delivered to the Chambers of the Secretary or the last address of a member registered with the Secretary, as the case maybe.
- ii) Failure to give notice in accordance with these Rules shall not invalidate any decision by the Association in general meeting, provided that there has been substantial compliance with the Rules, of which the Chairman shall be the sole and final judge.

13 July 2018