

CONSTITUTION

ESSEX ASSOCIATION OF LOCAL COUNCILS

Name

1.01 The Association shall be known as the ESSEX ASSOCIATION of LOCAL COUNCILS ("EALC") and shall consist of Parish, Community, Town and Village Councils and Parish Meetings in the County of Essex, including Southend and Thurrock Unitary Authorities.

2.00 Membership

2.01 Every Parish, Community, Town and Village Council and Parish Meetings in the County of Essex together with Southend and Thurrock Unitary Authorities shall be eligible for membership of the County Association. Those Councils will become members of the EALC ("Members").

2.02 The EALC shall be a member of the National Association of Local Councils ("NALC").

2.03 Membership of the EALC automatically confers Membership of the NALC.

2.04 There are no individual personal members, but Honorary Membership may be conferred from time to time, at the AGM, upon the recommendation of the Executive Committee, in recognition of services to the EALC. Such Honorary Membership shall carry no right to vote, nor to office in the EALC or any of its sub committees.

2.05 Notwithstanding 2.04 (above), the EALC shall also invite persons of good repute and interest in the EALC and its Objectives to become President or Vice-President of the EALC. The duties and obligations of these posts are outlined below (Clause 5.00).

2.06 Any Member of the EALC wishing to end its membership of the EALC and NALC must do so by tendering its resignation in writing to the Chief Executive Officer ("CEO") not later than 31st December in any year and such notice will become effective as from 31st March of the following year. The resigning Member will continue to be liable for full payment of their current subscription up to and including the 31 March of the following year.

3.0 Objects and Powers of the EALC

The EALC is established to:

3.01 Protect and promote the interests, rights, functions and privileges of the Members.

- 3.02 Promote good local government and to assist Members in the performance of their duties, functions and partnership working.
- 3.03 Provide training and information for officers and councillors for the proper discharge of their council business.
- 3.04 Promote a widespread and well informed interest in local government.
- 3.05 Support and promote the development of the economic, social, cultural and recreational life of Towns and Parishes.
- 3.06 Employ and pay any person or persons to supervise, organise and carry on the work of the EALC.
- 3.07 Cause to be written and printed or otherwise reproduced and circulated such papers, books, periodicals, pamphlets or other documents as shall further the said objects.
- 3.08 Purchase, take on lease or in exchange, hire or otherwise acquire any property and any rights and privileges necessary for the promotion of such objects and construct, maintain and alter any buildings or erections necessary for the work of the EALC.
- 3.09 Make regulations for any property which may be so acquired.
- 3.10 Subject to such consents as may be required by law, sell, lease or otherwise dispose of all or any of the property or assets of the EALC.
- 3.11 Do all such other lawful things as are necessary for the attainment of such objects.

4.0 Structure of the EALC

District Associations (includes Boroughs and Unitary Authorities)

- 4.01 Members of the EALC may form local District Associations in each of the Parished Districts of the County and hold District Meetings as may be required. Such meetings should be for exchanging, collecting and directing information and ideas, liaising with their Local Authority, transmitting any information to the Executive Committee and such other business for which the District Association may find the need.
- 4.02 District Associations may create their own constitution and rules and these shall be complementary to the Constitution of the EALC.
- 4.03 District Associations may, as they think necessary, levy a subscription on Members to cover incidental expenses of the local District Association. Such subscription shall be separate from the EALC and NALC subscriptions.

The Executive Committee

4.04 The Executive Committee shall consist of:-

- 1 representative from the Larger Councils' Forum;
- 2 representatives from each District Association; (in areas with only 1 Member, 1 representative may be appointed).
- 1 representative from Essex County Council.

The Chairman, The Treasurer and two Vice Chairman to be elected from the Executive Committee

The Executive Committee has the power to request the replacement of a representative who has been excluded from the Executive Committee. Such action to be taken on the advice of the NALC.

4.05 The Representatives from the District Associations on the Executive Committee must be Councillors or Officers of Members.

4.06 The Executive Committee shall be responsible to the EALC for the policies, control and administration of the EALC and shall meet at least six times in each financial year.

4.07 The quorum for meetings of the Executive Committee shall be nine.

4.08 The Executive Committee shall maintain regular communication with the NALC and a copy of the EALC Annual Report shall be forwarded to the NALC by the Executive Committee.

4.09 The Executive Committee shall, at its first meeting after the AGM appoint:-

(a) the Finance, Local Government and Personnel Sub-Committees and such other sub committees as may be required.

(b) such representatives, as it has agreed, to certain Major Essex Organisations and one Member to the Council of the NALC. The CEO shall keep a list of appropriate Organisations.

4.10 From time to time, the Executive Committee may appoint Working Groups to examine certain important matters as they arise and to report back as the Executive Committee may direct.

4.11 In accordance with the Constitution of the NALC, the EALC shall nominate three representatives to the NALC Annual and Special General Meetings. The Executive Committee shall accordingly send the Chairman, Vice-Chairman(s) and the Essex County Member of the Council of the NALC (or nominated deputies approved by the Executive Committee) to act on the EALC's behalf at such meetings.

- 4.12 The Executive Committee shall have power to adopt the issue of standing orders and/or rules of the EALC. Such standing orders and/or rules shall come into operation immediately.

The Larger Local Councils' Forum

- 4.13 Councils having an electorate greater than 6,000, or such expenditure as may equate to that status, may periodically send two representatives to the Larger Local Councils' Forum to exchange ideas, information and deal with matters which particularly affect them. The CEO, or their representative, shall attend to liaise with this forum.
- 4.14 The Larger Local Councils' Forum, at its first Meeting after the AGM, shall elect a Chairman, Vice Chairman, and such other officers as it may from time to time consider necessary.
- 4.15 The Larger Local Councils' Forum shall meet at such intervals as it may deem necessary. The conduct of its meetings and administration shall be in accordance with this Constitution and Standing Orders.

5.0 Officers of the EALC

President

- 5.01 At the AGM, the President of the EALC and up to six Vice-Presidents of the EALC shall be elected to serve for a period of Four Years commencing immediately. The President shall preside at the AGM and such other important occasions in the EALC's Calendar. Failing the President's availability, any one of the Vice-Presidents, or the Chairman of the Executive Committee, may be asked to preside.
- 5.02 At the first meeting after each AGM of the EALC, the Chairman and up to two Vice-Chairman of the Executive Committee shall be elected annually by the Executive Committee. These Officers may serve in either capacity, for a maximum period of four years. No officer shall be eligible for a post he/she has vacated until two years have elapsed since he/she has stood down, except in exceptional circumstances.
- 5.03 The Treasurer shall be elected annually by the Executive Committee, and provided that the Executive Committee agree, may continue in the role until such a time that the Treasurer either resigns or the post is successfully contested at the AGM of the EALC.

Chief Executive Officer

- 5.04 The Executive Committee shall appoint the CEO and such other assistant officers as it deems necessary. The CEO will report to the Chairman of the Executive Committee. Such Officers shall also be paid according to the salary scales, rates and expenses as agreed from time to time based upon recommendations made by NALC and the Society of Local Council Clerks.

- 5.05 The CEO shall be responsible for the efficient employment of such assistant officers as may be employed by the Executive Committee.
- 5.06 The CEO shall be the Responsible Financial Officer ("RFO") for the EALC.
- 5.07 The CEO shall be responsible to the Executive Committee for the administration of the EALC, training, advice to and information for the Members.

MEETINGS

6.00 Annual General Meeting of the EALC ("AGM")

- 6.01 The Executive Committee shall call an AGM of the EALC in each year after the 30th April and before the 30th September of that year. Each Member may have 2 voting delegates.
- 6.02 The AGM shall :-
- a) Elect a President and Vice Presidents as may be required
 - b) Receive the Annual Report of the Executive Committee
 - c) Approve the Annual Accounts of the EALC
 - d) Appoint an Auditor
 - e) Conduct such other business or motion as the Executive Committee shall decide
 - f) Conduct any other business or motion duly notified in writing to the CEO at least 21 working days prior to the date of the AGM, or such an emergency motion as may be decided to be competent
- 6.03 The quorum for an AGM shall be forty. In the event of insufficient representatives being present, the meeting shall be adjourned for no less than 7 days and no more than 28 days and reconvened with a quorum of twentyfive.

7.00 Special General Meeting of the EALC ("SGM")

- 7.01 The Executive Committee may, at any time after 21 working days notice to Members, call a SGM to consider such item of business as the Executive Committee shall deem necessary. The notice of the SGM shall clearly state the business to be considered in the SGM. Each Member may have 2 voting delegates.
- 7.02 A SGM may also be called by the Executive Committee at the request of not less than ten Members of the EALC. The Members request must be in writing, and set out a competent motion. The Competency of such motions will be decided according to the Rules laid down in Standing Orders
- 7.03 The Quorum for a SGM shall be forty. In the event of insufficient representatives being present, the meeting shall be adjourned for no less

than 7 days and no more than 28 days and reconvened with a quorum of twenty-five.

8.00 Omission to Give Notice of a Meeting

The accidental omission, or failure to give notice of any AGM, SGM, or the meetings of any Committee, Sub-Committee or Working Party to any Member, or person entitled to receive the same shall not invalidate the proceedings of such meeting.

9.00 Minutes

9.01 Minute books including records of proceedings and resolutions shall be kept by the CEO.

9.02 Minutes will be available to Members.

9.03 Save that Minutes of the Personnel Sub-Committee are only available to members of that Committee and the Treasurer.

10.00 Members Subscription

10.01 The Subscription payable by each Member shall become due to the EALC on the 1st April in each year.

10.02 The amount of the Subscription shall be determined each year at the AGM upon the recommendation of the Executive Committee.

10.03 Should any Member be more than one year overdue in payment of subscription to the EALC the Executive Committee, may at its discretion and upon the recommendation of the RFO and the Finance Sub-Committee, elect to exclude that Member from the EALC. Should that Member at any time wish to re-apply for membership their re-acceptance into the EALC may be conditional upon payment of the outstanding subscription of their overdue year.

11.00 Accounts

11.01 The Financial Year of the EALC shall be from 1st April until 31st March of the following year.

11.02 The Executive Committee shall ensure that proper accounts are kept of EALC's Income and Expenditure. The control of the Accounts of the EALC shall be monitored in accordance with the terms of the Financial Regulations here under appended and within the Terms of Reference of the Finance Sub-Committee.

11.03 The Accounts of the EALC shall be audited annually by an auditor duly and appointed at the AGM.

12.00 Property

- 12.01 Subject to the provisions of clause 12.02 EALC shall cause the title to all land and buildings held by EALC as freeholder, landlord or tenant to be vested in EA (2013) Ltd (Company Number 8584989).
- 12.02 The EA (2013) Ltd shall be entitled to an indemnity out of the property of the EALC for all expenses and other liabilities properly incurred by the EA (2013) Ltd in the discharge of its duties.

13.00 Amendments to the Constitution

- 13.01 This Constitution may be amended at an AGM or SGM of the EALC.
- 13.02 All such proposed Constitutional changes must be in the form of a competent motion, in writing and received by the CEO at least two weeks prior to the next Executive Committee, in the case of a motion proposed for a SGM and two weeks prior to the last Executive Meeting before formal notice is given for the AGM, should the motion be intended for that meeting.
- 13.03 Amendments to the Constitution shall require the assent of two thirds of those present and voting. Such amendment, once passed, shall not be reconsidered until the next AGM.

14. Notices

Any notice may be served by the EALC on any Member either personally or on its appointed representative as the case may be or by sending it through the post in a prepaid letter addressed to such member at his last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 5 days of posting.

Adopted September 2013

STANDING ORDERS

ESSEX ASSOCIATION OF LOCAL COUNCILS

1.0 General

- 1.01 These Standing Orders shall be read in conjunction with the Constitution and the Financial Regulations of the Association. Any amendments to the Standing Orders shall be made subject to notice of motion, by the Executive Committee, with the assent of 15 members present and voting.

2.0 Terms of Reference of Sub-Committees and Working Groups

- 2.01 Sub-Committees shall have such functions as the Executive Committee shall direct, but their main task will be to investigate, advise and recommend. Sub-Committees shall consist of representatives on the Executive Committee and such other lay persons who, by their expertise or profession, the Executive may think suitable to co-opt. Co-opted lay persons shall remain members of the appropriate Sub-Committee only for as long as may be required; they may advise and take part in discussion, but they may not vote.
- 2.02 Sub-Committees formed in partnership with other organisations shall have such other functions and voting rights as the Executive Committee may direct.
- 2.03 Working Groups may be appointed from time to time by the Executive Committee or Sub-Committees to examine specific important matters and to report back. Lay members may be appointed under the same terms as 2.01 above. Their terms of reference, tasks, numbers and quora will be defined when they are formed.

The Finance Sub-Committee

- 2.04 - exists to ensure that the Association's resources are used in the most effective manner, for the maximum benefit of its Members and to provide financial advice to the Executive.
- 2.05 - at selected times during the financial year to be agreed, shall be responsible to the Executive Committee for a regular internal audit in co-operation with the Responsible Finance Officer and his/her staff (*see also Clause 5.05 of the Constitution*).
Should any emergency situation occur, which may require an accurate knowledge of the Association's finances, the RFO¹, at the request of the Chairman of the Executive and with the co-operation of the Finance Sub-

¹ Responsible Financial Officer

Committee, shall provide that information to the Executive, with an appraisal of any other resource implications and appropriate recommendations.

- 2.06 - in co-operation with the Chief Executive Officer (RFO), shall be responsible to the Executive Committee for preparing a Preliminary Budget in time for the last Executive Committee Meeting before the end of March.
- 2.07 - shall examine and make a recommendation to the Executive Committee on the annual subscription.
- 2.08 - shall be called upon from time to time by the Executive Committee to examine and make recommendations upon certain items of expenditure, or such other topics as the Executive shall determine.
- 2.09 - shall consist of no more than seven members, as appointed by the Executive Committee. The Treasurer appointed by the EALC² at the first meeting of the Executive Committee following the AGM³, shall chair the Finance Sub Committee. The quorum shall be four.

The Local Government and Consultative Sub-Committee

- 2.10 - exists to examine and report to the Executive Committee upon any subject affecting the First Tier of Local Government, referred to them by the Executive Committee, or the Chief Executive Officer, in consultation with the Executive Committee Chairman. Whenever practical consultation will take place with member councils or associations.
- 2.11 - shall consist of one representative from each district, as appointed by the Executive Committee. At their first meeting after the Executive Committee AGM, they shall elect their Chairman. The quorum shall be five.

The Personnel Sub-Committee

- 2.12 - shall liaise with the Chief Executive Officer in the matter of staff resources, their monitoring, deployment and review.
- 2.13 - shall be responsible for advertising, interviewing and appointing potential staff, in liaison with the Chief Executive Officer.
- 2.14 - shall be responsible for dealing with all major staff issues, conditions and discipline, in liaison with the Chief Executive Officer, and where necessary make appropriate recommendations to the Executive Committee (*see also Clause 5.04 of the Constitution*).
- 2.15 - shall periodically review staff expenses.

² Essex Association of Local Councils

³ Annual General Meeting

- 2.16 - shall, in liaison with the Chief Executive Officer, consider any training needs of the Association staff and the Executive and make appropriate recommendations, as necessary, to the Executive Committee.
- 2.17 - shall make such recommendations as may be required to the Finance Sub-Committee for Budget purposes.
- 2.18 - the Chairman of the Personnel Sub-Committee shall act as the Appraiser for the Chief Executive Officer's Annual Performance Review. This shall take place as soon as possible after the staff appraisals by the Chief Executive Officer. The Appraisals shall all be countersigned by the individual staff member, in accordance with customary practice.
- 2.19 - the Personnel Sub-Committee shall consist of the Chairman and a Vice-Chairman of the Executive, the Chief Executive Officer and two members of the Executive. The Sub-Committee shall consist of Councillor and Clerk representation. The quorum shall be three.

The Executive Committee Chairman and Vice-Chairman

- 2.20 - The Chairman of the Executive Committee, or his Vice-Chairman, when acting in a Sub-Committee, shall not automatically be elected as Chairman of that Sub-Committee. The exception to this is the Personnel Sub-Committee. They would, however, be ex-officio, entitled to sit in on any Sub-Committee of the Association, entitled to speak, but not to vote, save by their appointed membership of that Sub-Committee.

Vacancies

- 2.21 - Vacancies in Sub-Committees, or outside representation, shall be filled by the Executive Committee at its next regular meeting.

3.0 Conduct of Meetings

3.01 Annual General Meetings and Special General Meeting of the County Association *(and see Clauses 6 & 7 of the Constitution)*

- 3.01.1 At all Annual and Special General Meetings, members of the Executive Committee and Representatives from each Member Council may attend. Each member Council may have two voting delegates. Such Representatives must be Councillors or Officers.
- 3.01.2 The quorum for an AGM and a SGM⁴ shall be forty. In the event of insufficient representatives being present, the meeting shall be adjourned for no longer than 28 days and reconvened with a quorum of 25.
- 3.01.3 Voting shall be by show of hands, unless the matter is delicate, when, at the Presiding Officer's discretion, or at the request of five members standing, it

⁴ Special General Meeting

may be by secret ballot. Tellers shall be appointed prior to the meeting for either service.

3.01.4 The President, when present, shall preside over the meeting (*and see Clause 5.01 of the Constitution*).

3.01.5 Should none of the Officers authorised by Clause 5.01 of the Constitution be available, the Chief Executive Officer shall call for nominations for the meeting to elect its Chairman.

3.01.6 The business of the meeting shall be as prescribed in Clauses 6 and 7 of the Constitution and carried out in accordance with the Rules of Debate as set out below.

3.02 Motions and their Competence

3.02.1 Motions and their Amendments shall be of three forms:

- (a) those of which due notice has been given prior to the meeting (*see Clauses 6 & 7 of the Constitution*) and which will appear on the Agenda.
- (b) Emergency Motions or Amendments, which arrive after the due date has expired, and which have, therefore, been subject to judgement by the Chairman and Chief Executive Officer as to their eligibility. They must satisfy the condition that there is a genuine reason for their arrival after the appointed time and that the matter is genuinely urgent. The Motion of Amendment shall be presented to the Meeting before the Main Business starts and the Meeting shall vote if it is to be adopted for discussion.
- (c) Those Amendments which arise as the result of discussion in debate must be presented in writing to the Presiding Officer.

3.02.2 Competence

A Motion or Amendment shall not be discussed unless it has been proposed and seconded. It must be in writing, clearly stating a positive or affirmative intent, having a proposed clear course of action, be relevant and correctly addressed. If not, the Chairman or Presiding Officer shall rule it out of order or, to assist, might suggest that an appropriate amendment is made by the Mover.

3.03 General Rules, applicable to AGM, SGM or Committee Meetings

3.03.1 A Motion put forward by the Executive Committee or by a District Association at AGM requires no seconder.

3.03.2 Only when a Motion has been resolved by vote by the Meeting, shall it be termed a Resolution.

3.03.3 If there is no proposer or seconder of a Motion present at the Meeting to speak to it, it shall be ruled to have been withdrawn, unless another Member is prepared to propose and speak to it.

3.03.4 Motions which may be made without notice:

- (a) To correct or approve the Minutes (*only on their accuracy*).
- (b) To plead precedence in the order of business.
- (c) To proceed to next business.
- (d) That the question now be put.
- (e) To adjourn the debate.
- (f) To adjourn the meeting.
- (g) To refer back to a committee for further examination and report back.
- (h) To raise an amendment, or to propose a motion.
- (i) To request leave to withdraw an amendment or a motion.
- (j) To suspend Standing Orders (appropriately numbered) if it assists the progress of business.
- (k) To extend time limit for speeches.
- (l) That the speaker no longer be heard.
- (m) That Mr be asked to retire from the meeting (*Chairman's legal power at his discretion, on the adjudged misconduct of the named member*).

3.03.5 With the exception of the proposer of a motion, who has a right of reply at the end of the debate, a member may speak only once on that motion. No speech by a proposer of a Motion shall exceed five minutes and no other speech shall exceed three minutes except by the consent of the Meeting in either case.

3.03.6 A person seconding a motion may, if he declares his intention to do so, reserve his speech until a later period in the debate. The proposer of the motion has the right of reply at the end of debate, but no new subject matter may be introduced. He has five minutes.

3.03.7 At all general meetings Members addressing the Meeting shall stand and shall state their name and which District or other organisation they represent. They should also state any interest they may have in the subject under discussion, at the opening of their speech. When the Presiding Officer speaks, they shall sit down and be silent.

3.03.8 In the Executive Committee, members may remain seated, but no one may interrupt the Chairman, or be speaking when he speaks. Duration and frequency of speeches is at the Chairman's direct discretion.

3.03.9 The ruling of the Presiding Officer or the Chairman shall not be questioned. Members shall address the Chairman or Presiding Officer. If two or more members start to speak without being recognised by him/her, the Chairman shall stop them, shall select one to speak and the others shall wait until called for his/her turn.

3.03.10 In the case of an equality of vote the Chairman or Presiding Officer may exercise a casting vote.

3.03.11 In the event of the incapacity of the Chairman to continue, in order for the meeting to proceed an adjournment may be called. The meeting will be reconvened under a new Chairman.

3.04 Closure

3.04.1 At the end of any speech during a debate, a member who has not previously spoken on the matter may, without further comment, propose "that the question now be put". This must be properly seconded and if the Chairman or Presiding Officer is satisfied that the matter has been sufficiently debated, he shall at once put the motion to the meeting. If the vote is in favour, the Chairman shall at once ask the proposer of the original motion to either waive his right of reply, or to exercise it as speedily as possible and the vote shall be taken at once upon the motion.

3.04.2 It is within the power of the Chairman to warn a speaker if he persists in useless repetition, or otherwise indulges in obstructive measures, to discontinue his speech. He shall then enquire if any other speaker has anything to contribute and, failing that, shall at once put the motion to the vote.

3.04.3 The proposals "that the debate be now adjourned" and "that the Meeting do stand adjourned" may be dealt with in similar fashion, with the necessary rider in the last case that a date for re-convening the Meeting must be proposed by one who has not spoken on the motion previously under discussion. There is no right of reply.

3.04.4 For whatever reason, at any time during a debate, preferably after the end of a speech, a Motion may be proposed "Mr Chairman, I beg to move that the Meeting proceed to the Next Business". It must be proposed and seconded and is at once put to the vote. If carried, there is no further discussion and no vote taken.

3.04.5 Any defeated Closure Motion cannot be re-employed in the same debate. The Chairman may refuse to accept a closure Motion if he considers a matter to have been insufficiently debated.

3.05 Precedence

3.05.1 A seconded Motion that the order of the agenda be varied, if accepted by the Chairman, shall be put to the vote.

3.06 Amendments

3.06.1 Subject to 3.03.1 and 3.03.2 above, Amendments may endeavour to improve or amplify the Motion and be relevant.

3.06.2 An Amendment may not negate the motion.

- 3.06.3 Amendment to published Agenda Motions may be submitted in writing to the Chief Executive Officer at least three clear working days before the meeting.
- 3.06.4 Pursuant to 3.04.5 above, a person may speak only once on a particular Motion, but may also speak once on any Amendment thereto.
- 3.06.5 In general only one Amendment may be discussed at a time. However, the Chairman may decide that it would facilitate proceedings to discuss more than one Amendment simultaneously, but they must be voted upon separately.
- 3.06.6 If an Amendment be carried, the Motion as amended shall take the place of the original Motion upon which further amendments may be moved.
- 3.06.7 The Mover of an Amendment or Motion may, with the agreement of his Secunder and the meeting, withdraw it.
- 3.06.8 The Mover of a Motion may, with the agreement of his Secunder and the meeting, alter, in writing, that Motion.
- 3.06.9 A Motion cannot be withdrawn by the Proposer after an amendment is proposed and seconded. The only exception being with the agreement of the Proposer and Secunder of the Amendment and the meeting.

3.07 Points of Order

- 3.07.1 There are five bases upon which points of order can be called; although, generally, the constant use of points of order is to be deprecated. The Chairman must use his/her discretion and knowledge of Standing Orders to know when to rule out of order.
- a) Incorrect Procedure
 - b) Irrelevancy
 - c) Unacceptable Language
 - d) Transgressing Standing Orders or the Constitution
 - e) Point of Explanation
- 3.07.2 Incorrect Procedure:
Contravention of the rules of debate, over time in a speech, speaking out of turn, proposing an amendment incorrectly ... and so on.
- 3.07.3 Irrelevancy:
Speaker wandering off the subject.
- 3.07.4 Unacceptable Language:
Bad language, Personal abuse, Innuendo, implying something derogatory to organisation, place or person and misrepresentation.
- 3.07.5 Transgressing Standing Orders or the Constitution:

The use of procedure contrary to the rules of procedure of the Association as embodied in the Constitution, etc., by means other than normal amendment.

3.07.6 Point of Explanation

This may be allowed at the Chairman's discretion, if a mover of a motion has been misquoted by subsequent speakers, or if a brief explanation of a point may improve understanding.

3.08 Disorderly Conduct at Meeting

3.08.1 If, during a Meeting, a person mis-conducts himself by:

- a) persistently disregarding the ruling of the Chairman,
- b) unacceptable behaviour,
- c) or wilfully obstructing the business of the meeting in any way,

the Chairman, or any member may move that, "the person named be no longer heard" and the motion, properly seconded, shall be put and determined without further discussion.

3.08.2 If the person continues the misconduct after the passing of the motion above, the Chairman shall **either** move that, "the person named shall leave the meeting forthwith", and in the event that it shall be passed the person shall be persuaded to leave the meeting, until the Chairman shall think fit to recall him, **or**, adjourn the meeting for as long as the chairman shall think necessary.

3.08.3 In the event the person does not leave the meeting, the police shall be called to assist in his ejection, which being effected, the meeting may be resumed.

3.08.4 In the event of a general disturbance, the Chairman shall at once adjourn for as long as he thinks expedient.

4.00 Conduct of Executive Members

4.01 If, in the discharging of his/her official duties of the Association, the conduct of an Executive Member be open to question, the Committee has the power to suspend that Member pending further investigations. The results of the investigation to be reported to the Executive.

4.02 If, upon a majority vote of the Executive, an Executive Member be judged guilty of misconduct in the course of the business of the Association, the Chairman shall request he/she should stand down for a period prescribed by the Executive. Failure to comply will result in exclusion from the Executive.

Financial Regulation
Essex Association of Local Councils

FINANCIAL REGULATIONS

INDEX

1. GENERAL
2. ACCOUNTING AND AUDIT
3. BUDGETS
4. BUDGETARY CONTROL AND AUTHORITY TO SPEND.....
5. BANKING ARRANGEMENTS.....
6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS
7. PAYMENT OF SALARIES.....
8. LOANS AND INVESTMENTS
9. INCOME
10. ORDERS FOR WORK, GOODS AND SERVICES
11. CONTRACTS
12. STORES AND EQUIPMENT
13. ASSETS, PROPERTIES AND ESTATES
14. INSURANCE
15. RISK MANAGEMENT
16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS.....

These Financial Regulations were adopted by the EALC Executive Committee at its Meeting held on 19th January 2017.

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the EALC and EA(2013)Ltd and may only be amended or varied by resolution of the EALC Executive. These Financial Regulations apply equally to both the finances of the EALC and EA(2013)Ltd. From here forward 'EALC or the Association' will refer to both EALC and EA(2013)Ltd.
- 1.2. Financial regulations are one of the EALC's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the EALC's Standing Orders and Constitution.
- 1.3. The Association's Constitution states that the Executive Committee shall ensure that proper accounts are kept of the Association's Income and Expenditure. The control of the Accounts of the Association shall be monitored in accordance with the terms of the Financial Regulations and within the Terms of Reference of the Finance Sub-Committee. The Chief Executive Officer(CEO)⁵/Responsible Financial Officer (RFO)⁶, under the policy direction of the Finance Committee, shall be responsible for the proper administration of the Association's affairs and advising the Executive in how to meet their responsibilities.
- 1.4. The EALC 's accounting control systems must include measures:
 - for the timely production of accounts;
 - that they provide for the safe and efficient safeguarding of the EALC Members money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of Officers
 - provide the framework for the reporting of EA(2013)Ltd in line with current legislation.
- 1.5. At least once a year a review of the effectiveness of the Associations system of internal control will be carried out.
- 1.6. Executive Members of the EALC are expected to follow the instructions within these Regulations and not to entice employees to breach them.
- 1.7. The EALC will appoint a Responsible Financial Officer (RFO) to undertake the management of the accounts, the systems and the production of the end of year accounts; and additionally follow the legal requirements of the reporting of EA(32013)Ltd.

⁵ CEO

⁶ RFO

- 1.8. The EALC Executive will appoint a Treasurer to work with and manage the EALC finances with the CEO/RFO.
- 1.9. The EALC will appoint a Finance Sub Committee to manage the Finances on behalf of the EALC Executive.
- 1.10. The Treasurer will Chair the Finance Sub Committee.
- 1.11. The Treasurer will report annually to the Annual General Meeting (AGM) of the EALC.
- 1.12. The EALC Finance Sub Committee;
 - acts under the policy direction of the EALC;
 - determines on behalf of the EALC its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the EALC up to date;
 - assists the EALC to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the EALC.
- 1.13. The accounting records determined by the RFO shall in particular contain:
 - entries from day to day of all sums of money received and expended by the EALC and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the EALC; and
- 1.14. The accounting control systems determined by the RFO shall include:
 - procedures to ensure that the financial transactions of the EALC are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - procedures to ensure that uncollectable amounts, including any bad debts are written off only with the approval of the CEO;
 - measures to ensure that risk is properly managed.
- 1.15. In addition the EALC must:
 - determine and keep under regular review the bank mandate for all EALC bank accounts;

- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the Personnel Committee in accordance with its terms of reference.

1.16 Deliberate or wilful breach of these regulations by an employee may give rise to disciplinary proceedings.

1.17 The RFO will manage the processes required by HMRC and Companies House in respect of EA(2013)Ltd. The Annual return shall be submitted for EA(2013)Ltd by the RFO by 26th June each year. Corporation Tax must be filed on line by 31st December each year.

2. ACCOUNTING AND AUDIT

2.1 On a regular basis the RFO shall verify the bank reconciliations, and ensure that the CEO checks the reconciliation. This regulation should be carried out on a monthly basis.

2.2. The Annual Accounts for both the EALC and the EA(2013)Ltd shall be prepared as separate accounts by the RFO, checked by the CEO, audited by the Auditor appointed by the EALC AGM and then approved by the Finance Sub Committee/ EALC Executive.

2.3. The Treasurer will present the Accounts to the EALC Executive for approval. EA(2013)Ltd will approved and signed as per the regulations relating to a company.

2.4. The Treasurer, once the accounts are approved by the EALC Executive, shall present the accounts to the Annual General Meeting (AGM) of the EALC for approval y the Membership. EA(2013)Ltd Accounts will be included in the Finance Annual Report to the Membership.

2.5. The EALC shall ensure that there is an adequate and effective system of internal audit accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the EALC shall make available such documents and records as appear to be necessary for the purpose of the audit and shall, as directed by the EALC, supply the Treasurer, CEO or Auditor with such information and explanation as the EALC considers necessary for that purpose.

2.6 The Auditor shall be appointed by the AGM and shall carryout the work in relation to the internal controls required by the EALC. The Auditor shall audit the accounts of EA(2013)Ltd and ensure that the regulation relating to the accounts are applied.

2.7. The Auditor shall:

- be competent and independent of the financial operations of the EALC;

- report to EALC in writing, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- have no involvement in the financial decision making, management or control of the EALC.
- Check that the legal requirements relating to EA(2013)Ltd have been completed.

2.8. Auditors may not under any circumstances:

- perform any operational duties for the EALC;
- initiate or approve accounting transactions; or
- direct the activities of any EALC employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- The RFO shall, without undue delay, bring to the attention of the Treasurer any correspondence or report made by the Auditors.

3. BUDGETS

3.1. Detailed actual and estimated income and expenditure, including the use of reserves and all sources of funding, for the current year, together with a proposed budget for the next year, shall be prepared by the RFO in the form of a budget in consultation with the CEO and Treasurer.

3.2. The Finance Sub-Committee shall review the proposals and recommend a budget to the Executive Committee in each year and shall recommend the Annual Fees to be levied for the next but one Financial Year. The RFO shall supply each Executive Member with a copy of the proposed budget.

3.3. The Executive Committee shall review and approve the proposed budget.

3.4. The Annual Budgets shall form the basis of financial control for the ensuing year.

3.5. The Executive Committee advised by the RFO and the Finance Sub-Committee shall consider the need for, and shall have regard to, a two year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the Annual Budget and recommendations for the following years Annual Fees.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

4.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the EALC Finance Sub Committee for all items over £5,000;
- the CEO/RFO for all items below £5000 within budget;
- Additional expenditure outside of the budget must be authorised by the EALC Finance Committee or the Treasurer.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2 During the budget year and with the approval of Finance Sub Committee having considered fully the implications for services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

4.3 The salary budgets are to be reviewed at least annually by the Personnel Committee and alteration, amendment or adjustment must be presented to the Finance Sub Committee for approval.

4.4 In cases of extreme risk to the delivery of services, the CEO/RFO may authorise revenue expenditure on behalf of the EALC when in the RFO's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. The CEO/RFO shall report such action to the Treasurer as soon as possible and to the Finance Sub Committee as soon as practicable thereafter.

In the absence of the CEO or RFO other staff member should consult with the Treasurer or the Chairman of the EALC.

4.5 The RFO shall regularly provide the EALC Finance Sub Committee with a full budget report at each meeting when available.

4.6 Changes in EALC earmarked reserves shall be approved by EALC Finance Sub Committee as part of the budgetary control process/end of year accounting procedure.

5. BANKING ARRANGEMENTS

5.1. The EALC's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the EALC Finance Sub Committee. They shall be regularly reviewed for safety and efficiency.

5.2. One current account shall be maintained at the bank as a General Account, together with other accounts to maintain maximum interest. The Association will also hold one Imprest Bank Account solely for the use of

online banking to pay salaries and Members' expenses, and payments to regular clients, or suppliers of services, goods etc. A standing order will move monthly the amount determined by the CEO for cash flow requirements. The EA(2013)Ltd will hold its own on-line account.

- 5.3. The EALC will have a credit card to enable online purchases and where immediate payment is required. The credit card will be authorised for payments of goods and services, when required.

The monthly limit shall be £1200 and this shall be paid in full when the amount becomes due.

- 5.4. The RFO will ensure that the credit card is held safely and the pin number held separately, according to the current process in place.
- 5.5. The RFO to have access to view only statements on line, to download such statements or to speak to the Association's Bankers on the business of the EALC.
- 5.6. The RFO may move funds from EALC accounts to other EALC and EA(2013)Ltd Accounts to allow for the business of the Association to be transacted.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The authority for use of the Imprest internet bank account will be the same as for cheque signing arrangements.
- 6.2. The RFO may provide petty cash to Officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- 6.3. Apart from petty cash payments the Association's creditors will be paid by cheque, bank transfer/ on line payments or other order drawn on the Association's bankers.
- 6.4. All invoices for payment shall be examined, verified and certified by the RFO or a designated member of the administration team. Before certifying an invoice the Officer shall be satisfied that the work, goods or services to which the invoice relates have been received, carried out, examined and approved. Such invoices must be matched to a previously authorised Purchase Order.
- 6.5. Duly certified invoices with a Purchase Order shall be passed to the RFO, who shall examine them in relation to arithmetical accuracy and authorisation, prepare the payment and code them to the appropriate expenditure head. The RFO shall take all possible steps to settle invoices submitted, which are in order, within 30 days of their receipt.

- 6.6. The CEO shall be authorised to sign payments up to £500. The RFO will prepare the payments (either on internet banking or by cheque), the CEO will sign the cheques or authorise the payment.
- 6.7. Payments over this amount will require the additional signature of the Treasurer
Or, if unavailable, one of the nominated signatories.
- 6.8. Payments under £500 to be paid through internet banking will be presented to the CEO who will verify the payment, and if under £500 entered on the system. The CEO will authorise such payments.

In the absence of the CEO the Treasurer will be asked to authorise the payment.

- 6.9. On payments over £500 the RFO will present these to the CEO, who shall enter them onto the system and they shall then authorised by the Treasurer or if unavailable one of the nominated signatories.

In the absence of the CEO the Treasurer shall enter the payment onto the system and another authorised signature shall verify the payment.

- 6.10. The Association shall appoint 2 additional signature to make the total 4. This additional signature will be allowed to sign in the absence of the CEO or Treasurer.
- 6.11. The RFO shall maintain a petty cash float to a limit of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
- 6.12. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations except in the case of notional amounts of less than £10.00 provided that a clear audit trail is evident.
- 6.13. If thought appropriate by the Association, payment for supplies may be made by variable Direct Debit.
- 6.14. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the EALC's records on that computer, a note shall be made of the PIN and Passwords and retained safely by the authorised individual. These details must not be disclosed to anyone. Passwords etc must be changed every three months and notification must be made to the RFO on completion of the process.
- 6.15. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and off site.

- 6.16. The EALC, and any members using computers for the EALC's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.17. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for EALC banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.18. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and the FO shall instigate the change and the RFO shall authorise the change.
- 6.19. The Association will approve all fees and charges, following a review and report by the CEO. The CEO will make appropriate charges to non-member Councils and members of the public for services provided.

7 PAYMENT OF SALARIES & EXPENSES

- 7.1. As an employer, the EALC shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by EALC, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and other appropriate dates stipulated in employment contracts. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the EALC Personnel Committee/Finance Committee.
- 7.3. Any termination payments shall be supported by a clear business case and reported to the EALC. Termination payments shall only be authorised by Finance Committee.
- 7.3. Before employing interim staff the EALC must consider a full business case.
- 7.4. The CEO and the Treasurer shall make such arrangements as necessary for the calculation of salaries and wages as he/she thinks fit. The payment of all salaries and wages shall be checked by the RFO/CEO and the payment made by the CEO and the Treasurer. Salaries, HMRC and pension payments will be made via the Imprest online bank account. In the absence of the CEO or Treasurer another signatory may authorise the payments

- 7.5. The EALC may use the services of a specialised pay roll provider. The provider will managed the agreed payroll, filing on line each month and completing on line end of year requirements. The RFO shall check the work of the pay roll provider
- 7.6 All time sheets shall be certified as to their accuracy by the CEO or their representative.
- 7.7 All expenses claimed by Employee's or Executive Members must be claimed within 8 weeks, and within the Policy in force at the time.
- 7.8 An effective system of personal performance should be maintained for the RFO.

8. LOANS AND INVESTMENTS

- 8.1. No loans will be raised or granted by the Association in pursuance of its normal functions. In exceptional circumstances the CEO will make application to the Treasurer to make small short term loans to member Councils or staff.
- 8.2. All investments of money under the control of the EALC shall be in the name of the EALC.
- 8.3. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 INCOME

- 9.1. The collection of all sums due to the EALC shall be the responsibility of, and under the supervision of, the RFO.
- 9.2. The Member Councils of the Association will approve the level of affiliation fees annually, at the AGM.
- 9.3. Any sums found to be irrecoverable and any bad debts shall be reported to the EALC Finance Committee and shall be written off in the year.
- 9.4. All sums received on behalf of the EALC shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the EALC's bankers with such frequency as the RFO considers necessary.
- 9.5. The origin of each receipt shall be entered on the paying-in slip.
- 9.6. Personal cheques shall not be cashed out of money held on behalf of the Council.

10 ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. A purchase order shall be issued for all work, goods and services. Copies of orders shall be retained with the invoices when payment is due as part of the audit trail.
- 10.2. Purchase order books shall be controlled by the RFO.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing a purchase order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 (I) below.
- 10.4. An Executive member may not issue a purchase order or make any contract on behalf of the EALC.

11 CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency.
 - b. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Finance Sub Committee.
 - c. Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - d. When the Association enters into a contract of less than [£60,000] in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a)The RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £1000 or RFO/FO shall strive to obtain 3 estimates.
 - e. The EALC shall not be obliged to accept the lowest or any tender, quote or estimate.

12 STORES AND EQUIPMENT

- 12.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 12.2. Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to the purchase order and quality at the time delivery is made.
- 12.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 12.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

13 ASSETS, PROPERTIES AND ESTATES

- 13.1. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

14 INSURANCE

- 14.1. Following the annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the EALC's insurers. The RFO shall review insurance of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 14.2. The RFO shall keep a record of all insurances effected by the EALC and the property and risks covered thereby and annually review it.
- 14.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Treasurer at the next available opportunity.
- 14.4. All appropriate members and employees of the EALC shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the EALC, or duly delegated committee.

15 RISK MANAGEMENT

- 15.1. The EALC is responsible for putting in place arrangements for the management of risk. The RFO shall prepare, for approval by the Finance Sub Committee, risk management policy statements in respect of all activities of the EALC. Risk policy statements and consequential risk management arrangements shall be reviewed by the Finance Sub Committee at least annually.

- 15.2. When considering any new activity, the RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the EALC.

16 SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 16.1. It shall be the duty of the EALC to review the Financial Regulations of the EALC annually. The RFO and FO shall make arrangements to monitor changes in legislation or proper practices and shall advise the EALC of any requirement for a consequential amendment to these financial regulations.
- 16.2. The EALC may, by resolution of the EALC duly notified prior to the relevant meeting of EALC, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of EALC.