

# **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 1<sup>st</sup> 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 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.

Reviewed September 2020