



ESSEX ASSOCIATION OF LOCAL COUNCILS

Standing Orders
Revised March 2021

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STANDING ORDERS

General

- 1.01 These Standing Orders shall be read in conjunction with the EALC Constitution and the Financial Regulations. Any amendment to the Standing Orders must be made via an Executive Committee Motion and determined by a quorate majority decision.

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 quorate 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 agreed times during the financial year shall be responsible to the Executive Committee for a regular internal audit in co-operation with the EALC Responsible Finance Officer (RFO) and their staff.

Where extraordinary conditions exist such as Government declared pandemic conditions, civil unrest or other declared emergencies, which may require an accurate knowledge of the Association's finances, the RFO, at the request of the Chairman of the Executive and with the co-operation of the Finance Sub-Committee, shall provide financial information to the Executive, with an appraisal of any other resource implications together with any appropriate recommendations.

- 2.06 In co-operation with the Chief Executive Officer or 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 the financial year.
- 2.07 Shall make a recommendation to the Executive Committee on the annual subscription.
- 2.08 Shall from time to time examine and make recommendations on certain items of expenditure, or such other topics as the Executive Committee determines.
- 2.09 Shall consist of no more than seven members, as appointed by the Executive Committee. The Treasurer appointed by the EALC at the first meeting of the Executive Committee following the AGM, 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
- 2.15 shall periodically review staff expenses.
- 2.16 shall, in liaison with the Chief Executive Officer, consider any training needs of the Association staff and CEO 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, at its discretion may choose to have 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.

Conduct of Meetings

Annual General Meetings and Special General Meetings

- 3.1 At all Annual and Special General Meetings (SGM), members of the Executive Committee and Representatives from each Member Council may attend. Each member Council may have two voting delegates and the vote cast must reflect that of the Member Council. Such Representatives must be Councillors or Officers.
- 3.2 The quorum for an AGM and a SGM shall be as defined in the EALC Constitution.
- 3.3 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 may be by secret ballot. Tellers shall be appointed prior to the meeting for either service.
- 3.4 The business of the meeting shall be as prescribed in the Constitution and carried out in accordance with the Rules of Debate as set out below.

Motions and their Competence

- 3.5 Motions and their Amendments shall be of three forms:
 - (a) Those of which due notice has been given prior to the meeting (see 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 Chairman and Chief Executive Officer for further consideration.
- 3.6 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.

General Rules, applicable to AGM, SGM or Committee Meetings

- 3.7 A Motion put forward at AGM by the Executive Committee or by a District Association requires no seconder.
- 3.8 Only when a Motion has been resolved by vote by the Meeting, shall it be termed a Resolution.
- 3.9 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.
- 3.10 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/Mrs be asked to retire from the meeting (*Chairman's legal power at his discretion, on the adjudged misconduct of the named member*).

- 3.11 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.
- 3.12 A person seconding a motion may, if they declare their intention to do so, reserve their 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. They have five minutes.
- 3.13 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.
- 3.14 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.
- 3.15 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 their turn.
- 3.16 In the case of an equality of vote the Chairman or Presiding Officer may exercise a casting vote.
- 3.17 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.

Closure

- 3.18 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.
- 3.19 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.

- 3.20 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.
- 3.21 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.
- 3.22 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.

Precedence

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

Amendments

- 3.24 Subject to 3.7 and 3.8 above, Amendments may endeavour to improve or amplify the Motion and be relevant.
- 3.25 An Amendment may not negate the motion.
- 3.26 Amendment to published Agenda Motions may be submitted in writing to the CEO at least three clear working days before the meeting.
- 3.27 Pursuant to 3.22 above, a person may speak only once on a particular Motion, but may also speak once on any Amendment thereto.
- 3.28 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.
- 3.29 If an Amendment be carried, the Motion as amended shall take the place of the original Motion upon which further amendments may be moved.
- 3.30 The Mover of an Amendment or Motion may, with the agreement of his Seconder and the meeting, withdraw it.
- 3.31 The Mover of a Motion may, with the agreement of his Seconder and the meeting, alter, in writing, that Motion.
- 3.32 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 Seconder of the Amendment and the meeting.

Points of Order

- 3.33 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 their 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
- 3.34 **Incorrect Procedure:**
Contravention of the rules of debate, over time in a speech, speaking out of turn, proposing an amendment incorrectly etc.
- 3.35 **Irrelevancy:**
Speaker wandering off the subject.
- 3.36 **Unacceptable Language:**
Bad language, Personal abuse, Innuendo, implying something derogatory to organisation, place or person and misrepresentation.
- 3.37 **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.
- 3.38 **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.

Disorderly Conduct at Meeting

- 3.39 If, during a Meeting, a person's conduct by:
- f) persistently disregarding the ruling of the Chairman,
 - g) unacceptable behaviour,
 - h) 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.
- 3.40 If the person's misconduct continues 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.
- 3.41 In the event the person does not leave the meeting, the police shall be called to assist in their ejection. Upon ejection, the meeting may be resumed.
- 3.42 In the event of a general disturbance, the Chairman shall at once adjourn for as long as he thinks expedient.

Conduct of Executive Members

- 4.1 Executive Committee members shall be compliant with the latest EALC Structure and Members Roles procedural document adopted by the Executive on the 21st January 2021.
- 4.2 If, in the discharging of their official duties of the Association or work related to the Association, the conduct of an Executive Member be open to question, and brought to the attention of the Chairman (or Vice Chairman), the Executive Committee has the power to suspend that Member pending further investigations.
- 4.3 The Personnel Committee will carry out an investigation of a Members conduct when instructed to do so by the Executive Committee and the results of the investigation, including any recommendation of subsequent action to be reported to the Executive.
- 4.4 If, upon a majority vote of the Executive Committee, an Executive Member be judged guilty of misconduct, following an investigation and receipt of a recommendation from the Personnel Committee, the Chairman shall request they stand down from the Association, either permanently or for a period prescribed by the Executive. Failure to comply will result in immediate exclusion from the Executive.
- 4.5 If a member is disqualified as a Councillor or as a Council in its entirety, the Executive Committee on recommendation from the Personnel Committee may suspend an Executive Member until such time as the disqualification is no longer in place.

Executive Meeting Date: 11.03.21