

AVON LOCAL COUNCILS' ASSOCIATION



CONSTITUTION

Amended October 2015

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SECTION I – GENERAL

1. Constituent Councils and Name

The Association shall consist of Parish and Town Councils and Parish Meetings in the Unitary Authority areas of Bath and North East Somerset, North Somerset, South Gloucestershire and the City and County of Bristol, and shall be known as the Avon Local Councils' Association.

2. Definitions

The following definitions shall apply to all usage of the relevant term of words throughout this Constitution.

- a) "ALCA", is "the Avon Local Councils' Association".
- b) "NALC", is "the National Association of Local Councils", of which ALCA is a constituent member.
- c) "Local Council", means a Parish or Town Council and includes a Parish Meeting of a Parish not required to elect a Parish Council.
- d) "Member Council", includes any Local Council which at the 31 May of the current year has paid its subscription for that financial year.
- e) "AGM", is the Annual General Meeting of ALCA.
- f) "SGM", is a Special General Meeting of ALCA.

3. Objectives

The aims and objectives of ALCA are to take all steps as may be necessary or desirable in the interest of the Member Councils, consistent with the objectives of NALC which are to :-

- a) promote good local government;
- b) protect and promote the rights, functions and privileges of Member Councils;
- c) assist Member Councils by providing advice and training in performance of their duties;
- d) promote and develop the social, cultural, economic, environmental and recreational life of towns, parishes, communities and villages;
- e) promote a widespread and well informed interest in local government.

SECTION II – MEMBERSHIP

4. Eligibility

Every Local Council within the Unitary Authority areas of Bath & North East Somerset, North Somerset, South Gloucestershire and the Cities and Counties of Bristol and Bath shall be eligible for membership of ALCA and, thereby members of NALC.

5. Affiliation Fee

Each Member Council shall pay an Affiliation Fee to ALCA before 31st May for each financial year commencing on the 1st April. The fees shall be based on the number of electors of the Parish, Town or Parish Meeting as stated on the Register of Electors as of 1st January of the previous financial year.

The Affiliation Fee for the next financial year, at the recommendation of the County Committee, shall be set by a majority present and eligible to vote at the AGM or at an SGM.

6. Contribution to the National Association

ALCA shall pay to NALC, in each financial year, such sum and in such a manner as may from time to time be fixed by NALC.

7. Resignation from Membership

Any Member Council wishing to terminate its membership of ALCA for the following membership year shall do so by sending its resignation in writing to the County Secretary by the 31st March in any year and the notice shall take effect on receipt by the County Secretary. Each such Member Council shall continue to be liable for the payment of its full fees for the current membership year.

SECTION III – OFFICERS

8. Honorary Officers

There shall be a President and an Honorary Treasurer, both of whom shall be elected at the AGM in each year and shall, respectively, be eligible for re-election

The Honorary Treasurer need not be a Councillor or Clerk of a Member Council.

Nominations for the offices of President and Honorary Treasurer shall be sent to the County Secretary twenty-one clear days before the AGM, except in the case of nominations by the County Committee of ALCA, which may be notified up to or at the AGM.

Casual vacancies in any of the said offices may be filled by the County Committee.

9. Independent Examiner of Accounts

The Independent Examiner of Accounts shall be appointed at the AGM each year and he/she shall be a non-voting member of the AGM and SGM, ex officio.

SECTION IV- COUNTY COMMITTEE

10. Composition

There shall be a County Committee comprising:

- a) the Honorary Treasurer, ex officio, by virtue of his office;
- b) four representatives of each Area Group elected from and by the Area Group members at its Annual General Meeting. Such representatives need not be nominated by a Member Council, but at least three of these must be councillors;
- c) in the event that an Area is not covered by an Area Group, up to four representatives of Member Councils for that Area may be invited by the County Committee to join the County Committee, at least three of whom must be councillors;
- d) up to two additional non-voting members may be co-opted by the County Committee for their expertise;
- e) substitute / alternative representatives are not permitted.

Casual vacancies on the County Committee shall be filled in the case of persons appointed by an Area Group by that Area Group, itself: in the case of other persons, by the County Committee. Casual vacancies shall be filled at the next meeting of the County Committee.

In the event of local government elections taking place during the term of office of the County Committee, then those councillors who do not choose to stand for election or who are defeated candidates shall cease to be members of the County Committee from the date of the elections.

A member of the County Committee who resigns his/her qualifying office shall cease to be a member of that Committee from the date of that resignation.

The County Committee, at its first meeting each year after the AGMs of the Area Groups, from its members shall appoint a Chairman, Vice-Chairman and NALC Representatives, who shall be elected Councillors from Member Councils, all of whom shall each hold office during the pleasure of the County Committee and may be eligible for re-election. The NALC Representative may be one of the co-opted persons of para. 10(d) above.

11. Functions of the County Committee

Subject to the provisions of this Constitution, the County Committee will provide for the conduct, management, control and administration of the affairs of ALCA. The County Committee may take such steps; incur such expenses; acquire and dispose of property; enter into such commitments or arrangements, and employ such persons and agents as it, at its absolute discretion, considers fit and suitable for carrying the policy of the Association into effect.

The County Committee shall have the power to:

- a) appoint a Management Team to support the County Secretary as required and to take on any functions delegated to it by the County Committee;
- b) appoint Sub Committees, which may include Councillors or Clerks of Member Councils, other than members of the County Committee. The Honorary Treasurer and the Chairman and Vice-Chairman of the County Committee may be members of every Sub-Committee;
- c) make rules for the transaction of the business of any such Sub Committee including powers to co-opt persons other than Councillors or Clerks of Member Councils;
- d) delegate any of its functions to such Sub-Committees;
- e) control the banking and investment of the Association's funds. No money shall be borrowed by or on behalf of the Association without the County Committee's consent;
- f) approve any category of expenditure not specified in the approved budget.

Note - the Management Team is a Sub Committee of the County Committee

The County Committee shall present an Annual Report and submit the audited accounts to the AGM.

12. Proceedings at County Committee Meetings

The procedures governing meetings of the County Committee are:

- a) the Chairman shall take the chair of the County Committee whenever he/she is present. The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman. If at any meeting of the County Committee both the Chairman and the Vice-Chairman are absent, the County Committee shall elect a chairman for that meeting from among their own number present;
- b) the County Secretary shall give to each member of the County Committee not less than seven clear days' notice in writing of the date, time and place of a meeting of the County Committee or of any Sub Committee specifying in such notice the business to be transacted;
- c) a quorum shall be one half of those elected or appointed to the County Committee or Sub Committee. In the event that no quorum is present within fifteen minutes of the published time for commencement of the meeting, the meeting will stand adjourned for at least fourteen days;

- d) should the County Committee or Sub Committee meeting be adjourned, the procedure set out in paragraph 12(b) above will be adopted for reconvening the meeting;
- e) at all meetings every question may be determined by voice, but a question shall be determined by a show of hands if demanded, except in any case in which not less than one-third of the persons present and eligible to vote demand a ballot then the voting on the question shall be by ballot;
- f) the person presiding at a meeting of the County Committee or Sub Committee shall, in addition to his/her being entitled to vote in the first instance, have a second or casting vote in the case of an equality of votes.

SECTION V – AREA GROUPS

13. Membership

Area Groups, whose areas are coincident with the boundaries of the Unitary Authorities listed in paragraph 1, shall be established. The membership of each Area Group shall include all Member Councils within the respective Unitary Authority Boundary. Each Member Council may appoint two representatives and its Clerk to attend Area Group Meetings.

14. Functions

The functions of the Area Groups are subject to the terms of this Constitution and may only be altered by an AGM or SGM of ALCA.

15. Procedures

Each Area Group shall arrange its own rules, business and procedures and shall elect a Chairman, a Vice Chairman and a Secretary at each AGM. Copies of the agenda for and the minutes of its meetings shall be forwarded to the County Secretary for posting on the ALCA website. AGMs of Area Groups shall be held not later than 8 weeks after local elections or by end of June.

16. Expenses

In general, Area Groups will be responsible for all clerical and minor expenses relating to their meetings. ALCA will meet the properly documented annual cost.

17. Representation

Each Area Group shall appoint, to the County Committee, members and officers as defined in paragraphs 10(b) and 10(c) above.

SECTION VI – MEETINGS

18. Annual General Meeting

The procedures for the AGM of the Association are:

- a) there shall be an AGM within fourteen months of the previous AGM, to be held as the County Committee shall direct;
- b) each Member Council, all Members of the County Committee and each Officer, as defined above (see Section III):
 - (i) shall be given not less than eight weeks clear notice of the date, time and place of the AGM;
 - (ii) not less than 4 clear weeks in advance, will be sent an agenda for the AGM, the draft minutes of the previous AGM, a copy of the Annual Report and the Accounts for the preceding financial year.
- c) every Member Council shall be entitled to appoint, and be represented by, two persons at the AGM or SGM; the two persons at that date being either two Councillors or one Councillor and the Clerk to the Member Council;
- d) additional Councillors and Clerks from Member Councils may attend the AGM or SGM but may not vote;
- e) in addition, the Honorary Treasurer and all members of the County Committee shall be entitled to attend, take part in and vote at the AGM and SGM, but if attending in more than one capacity may only have one vote;
- f) any matter to be raised at the AGM must be forwarded in writing to the County Secretary at least six clear weeks before the date of the AGM;
- g) any other matters that are raised will be at the discretion of the person presiding at the AGM and will be for discussion only.

19. Special General Meeting

An SGM may be called:

- a) at any time by a simple resolution of the County Committee;
- b) by the County Secretary after receipt of a request in writing signed by not less than twenty Member Councils and stating the reason for the request.

Not less than two clear weeks' notice of an SGM shall be given to each Member Council and to all persons entitled to attend as paragraph 18(c) and 18(e) above. Such notice shall specify in detail the reasons for the SGM and the matters to be raised. No business other than that specified shall be conducted at an SGM.

20. Proceedings at an AGM or SGM

The President shall preside at an AGM or SGM, however, he shall not have a vote. In his or her absence, the AGM or SGM shall appoint some other person from their own number to preside.

The quorum of an AGM and SGM shall be thirty persons entitled to attend and vote. If at an AGM or SGM no quorum is present within half an hour of the time appointed for the commencement of business, those present and eligible to vote at the meeting shall vote on whether or not the meeting should proceed.

Accidental omission or failure to give notice of any AGM or SGM or meeting of the County Committee, or any Sub Committee to any Member Council or any person entitled to receive same or the non-receipt of any notice as aforesaid for any reason shall not invalidate the proceedings of any such meeting.

21. Voting

The determination of questions at each AGM or SGM shall be as follows:

- a) at all such meetings every question may be determined by voice but a question shall be determined by a show of hands if demanded, except in any case in which not less than one-third of the persons present and eligible to vote demand a ballot then the voting on the question shall be by ballot;
- b) the person presiding at an AGM or SGM (or a meeting of the County Committee or Sub Committee) shall, in addition to his/her being entitled to vote in the first instance, have a second or casting vote in the case of an equality of votes.

SECTION VII – ADMINISTRATION

22. County Secretary and Staff

The County Committee may appoint a County Secretary and such other officers and staff as the County Committee considers necessary to the proper administration of the affairs of the Association. The County Committee shall determine such Contracts, Conditions of Employment and Job Specifications for the County Secretary and staff as it thinks proper.

23. Expenses of Representatives and Members

The necessary travelling, subsistence and other incidental expenses of representatives or members attending meetings:

- a) of NALC, the National Council and of any Sub Committee thereof;
- b) of ALCA [other than the AGM or SGM], of the County Committee and any Sub Committee thereof;
- c) of outside bodies when appointed by the County Committee to represent ALCA;

may be met wholly or partly from the funds of ALCA.

24. Amendments to the Constitution

Any alteration to, amendment of, or addition to this Constitution may from time to time be made at any AGM or SGM if approved by a majority of not less than two-thirds of the persons present and eligible to vote. No alteration, amendment or addition shall be made which is inconsistent with the Constitution for the time being in force for NALC.

Notice of any motion of such alteration, amendment or addition, other than a notice pursuant to a resolution of the County Committee, must be given in writing to the County Secretary of ALCA not less than six weeks before the meeting. A copy of every such notice, including those given pursuant to a resolution of the County Committee, shall be sent by the County Secretary to every Member Council and to each member of the County Committee at least 4 clear weeks before the AGM or SGM at which it is to be considered.

SECTION VIII – DISSOLUTION

25. Dissolution

Member Councils may dissolve ALCA only by a resolution which has been passed by a two-thirds majority at an AGM or SGM and subsequently ratified in a postal vote by a two thirds majority of the Member Councils returning the postal ballot form to the County Secretary. Postal ballot forms shall be dispatched to Member Councils within 14 days of the resolution being approved at an AGM or SGM. A period of 60 days from the day of dispatch of ballot forms shall be allowed for their return to the County Secretary.

If upon the dissolution of ALCA by any means there remains any property whatsoever, after the satisfaction firstly of all its debts and liabilities and secondly the refund of Membership subscriptions already received for a subscription year commencing after the date of dissolution, the same shall at the sole discretion of the County Committee be distributed among the Member Councils in proportion to the last subscription paid.

Chairman: _____

Date: _____