



County Durham
Association of Local Councils

CONSTITUTION

in association with

THE NATIONAL ASSOCIATION OF LOCAL COUNCILS

The Bloomsbury Building, 10 Bloomsbury Way, Holborn, London, WC1A 2SL

1. CONSTITUTION AND NAME

The County Association shall consist of Parish and Town Councils and Parish meetings in the County of Durham, Darlington Borough and in the Metropolitan Districts of Gateshead and Sunderland and shall be known as the County Durham Association of Local Councils, hereinafter called "CDALC" and having a Constitution which shall be consistent with the provisions of the constitution for the time being in force of the National Association of Local Councils (NALC)

2. OBJECTS

2.1. To represent the interests of the First Tier of Statutory Local Government, comprising of Town and Parish Councils and Parish Meetings in England. Hereafter called collectively 'Local Councils'.

2.2. To provide support, advice and co-ordination to all aspects of the work of Local Councils, as embodied in the following principles of good local government:

- To promote the health, safety and wellbeing, both material and cultural of the people in its various communities.
- To attract and hold the interest of its citizens.
- To develop inherent strength to deal with, and work with, all other tiers of local, regional and national government in a valid partnership.
- To adapt itself to change in the way in which the people of the local community, live, work, shop and enjoy themselves.
- To protect, consolidate and develop the existing rights, privileges and functions of Local Councils.
- To encourage and support the universal establishment of elected First Tier Local Government throughout England.

3. MEMBERSHIP

3.1. Every Local Council and Parish Meeting in the County of Durham, Darlington Borough and in the Metropolitan Districts of Gateshead and Sunderland is eligible for membership of CDALC and NALC.

3.2. In this Constitution, the term "Member Council" means a Council of a Parish or Town and includes the Parish Meeting of a rural parish not entitled to elect a Parish Council and excludes any such Council which at the relevant time has not paid its subscription for the current year.

3.3. The General Meeting may invite other organisations to nominate persons as candidates for co-option to CDALC, and the General Meeting may at its discretion co-opt such persons into Membership provided that the number of such co-opted members shall not exceed one tenth of the total membership.

4. SUBSCRIPTIONS

4.1 Each Member Council shall pay to CDALC on or before 1st July in each financial year ending 31st March a subscription which shall be based upon an amount multiplied by

the current number of persons on the electoral roll of the Local Council. This amount is to be fixed from time to time by the Executive Committee.

- 4.2 A local council that becomes a member of CDALC on or before the 30th day of September in any financial year shall pay the full subscription in respect of that year. Any local council which first becomes such a member after the 30th day of September in any financial year shall pay one half of the subscription in respect of that year.

5. MEMBERSHIP OF NALC

- 5.1 Councils that are members of CDALC must also be members of NALC. NALC determines its own subscription fee per council and CDALC will collect this and pass these fees to NALC.
- 5.2 CDALC shall have the right to withdraw from membership of NALC should circumstances warrant.

6. RESIGNATION FROM MEMBERSHIP

Any Member Council wishing to resign from Membership of CDALC may do so by sending written notification to the Executive Officer on or before December 31st in any year and such notice shall become effective as from the succeeding March 31st.

7. ELECTION OF REPRESENTATIVES TO NALC

CDALC shall be entitled to elect annually not more than three representatives to NALC, one of whom may be appointed to serve on their National Assembly in accordance with the constitution of NALC. Representatives so elected may attend, speak and vote at meetings of NALC. Representatives to the National Association under the Constitution thereof shall be appointed by the Executive Committee (see paragraph 12)

8. PRESIDENT, HONORARY AUDITOR, HONORARY TREASURER, CHAIR and VICE-CHAIR

- 8.1. There shall be a President, an Honorary Treasurer, an Honorary Auditor or Honorary Auditors, a Chair and a Vice-Chair.
- 8.2. The President and Honorary Auditor will be elected bi-annually at the Annual General Meeting in each odd numbered year. Nominations for these positions shall be sent to the Executive Officer fifty six (56) clear days before the Annual General Meeting. This timeframe does not apply in the case of nominations by the Executive Committee of CDALC.
- 8.3. The Honorary Treasurer, Chair and Vice-Chair will be elected bi-annually from the ranks of and by the Executive Committee, at its first meeting after the afore-mentioned Annual General Meeting.
- 8.4. All the postholders shall be eligible for re-election.
- 8.5. The President or Chair shall preside at General Meetings. If they are absent, the Vice-Chair will preside, or otherwise some other person from the Executive Committee.

- 8.6. Casual vacancies for the President and Honorary Auditor positions may be appointed by the Executive Committee.
- 8.7. Casual vacancies for the Honorary Treasurer, Chair and Vice-Chair will be filled from and appointed by the Executive Committee at the next meeting of the Executive Committee.
- 8.8. A casual vacancy is a vacancy arising when a post-holder resigns or is otherwise unable to remain in post.
- 8.9. The Chair shall preside at the Executive Committee whenever they are present. The Vice-Chair shall perform the duties of the Chair in their absence. If at any meeting the Chair and Vice Chair are absent, the Executive Committee shall elect a Chair for that meeting from among their number.

9. ANNUAL GENERAL MEETING OF ASSOCIATION

- 9.1. There shall be an Annual General Meeting (AGM) held of CDALC as the Executive Committee shall decide.
- 9.2. Every Member Council shall be entitled to appoint and be represented by two persons at any General Meeting.
- 9.3. All those eligible to attend shall submit motions and nominations to the Executive Officer no later than fifty-six (56) clear days in advance of the meeting.
- 9.4. The Executive Officer of CDALC shall give all those eligible to attend twenty-eight (28) days clear notice of the date, time and place of the meeting and shall include the agenda, notice of motions, nominations for Executive Committee positions, and a copy of the Annual Report and Statement of Accounts for the preceding year.
- 9.5. In exceptional circumstances, the Executive Committee may vary the notice periods set out in paragraphs 9.3 to 9.4, provided that any such variation is necessary, proportionate, and clearly communicated to all those eligible to attend.
- 9.6. For the purposes of this Constitution, any reference to 'clear days' shall mean full calendar days, including weekends and public holidays, but excluding the day on which notice is given and the day of the meeting.

10. SPECIAL GENERAL MEETINGS

- 10.1 Special General Meetings, of which not less than fourteen (14) clear days' notice shall be given to all those eligible to attend stating the objects of the Meeting:
 - may be called at any time by the Executive Committee or
 - shall be called by the Executive Officer after the receipt of a requisition in writing signed by not less than twenty (20) representatives of Member Councils of the General Meeting and stating the objects of the Meeting.

11. PROCEEDINGS AT ANNUAL OR SPECIAL GENERAL MEETINGS

- 11.1. Members and Clerks of each Member Council shall be entitled to attend and speak but only one (1) representative from each council may vote. A representative is a matter for the individual council to determine, ie. they delegate who is to attend and more importantly who is to vote on behalf of their council.
- 11.2. All members of the Executive Committee shall be ex-officio, members of the General Meeting. All have voting rights, except the President and Honorary Auditor.
- 11.3. Co-opted members of CDALC may attend and make representations at a General Meeting but do not have voting rights.
- 11.4. The General Meeting may make and vary, from time to time, rules for the transaction of business at its meetings. No business shall be transacted at any General Meeting unless a quorum of twenty (20) persons entitled to vote be present at the time when the meeting proceeds to business. If within half an hour of the time appointed for the meeting a quorum is not present, the meeting if called on the requisition of twenty (20) representatives, shall be dissolved. In any other case it shall stand adjourned to a time and place nominated by the Executive Officer. If, at the adjourned meeting a quorum is not present, the persons present who are entitled to vote, if at least fifteen (15) at the time when the meeting proceeds to business, shall form a quorum.

12. CDALC EXECUTIVE COMMITTEE

- 12.1 An Executive Committee shall be appointed bi-annually at the odd numbered year of an Annual General Meeting of CDALC, consisting of:

No of Seats	Position	Form of Election	Tenure	Voting Rights
1	President (normally a local MP)	Elected at AGM	2 years	Non-Voting
1	Honorary Auditor	Elected at AGM	2 years	Non-Voting
8	Larger Council Position	Elected at AGM	2 years	Voting
8	Smaller Council Position	Elected at AGM	2 years	Voting
1	Darlington Borough Area	Elected by area, reported to AGM	Determined by area	Voting
1	Gateshead Council Area	Elected by area reported to AGM	Determined by area	Voting
1	City of Sunderland Area	Elected by area reported to AGM	Determined by area	Voting
21	Total Number Of Positions (19 voting)			

- 12.2 Nominations for all positions to be elected at an AGM shall be notified to the Executive Officer no later than fifty-six (56) clear days in advance of the meeting.
- 12.3 Only one representative per council shall be nominated to the Executive positions, apart from the President and Honorary Auditor.

- 12.4 Each representative must be a parish or town councillor, apart from the President and Honorary Auditor. Any member ceasing to be a parish councillor shall relinquish their office forthwith.
- 12.5 The Executive Committee shall meet at least four (4) times in every year and the quorum at any meeting shall be five (5)
- 12.6 At the bi-annual Annual General Meeting, where there are positions unfilled after those who have been nominated in advance have had their positions confirmed, nominations will be sought from the attendees at the meeting. If this results in vacancies remaining, the Larger and Smaller Council Forum meetings may appoint to these vacancies. The Forums may similarly deal with any casual vacancies that arise. Where outstanding vacancies exist less than six months prior to a General Meeting, that meeting may appoint to the positions.
- 12.7 Larger Councils are those with an electorate of >6,000 and/or a budget of >£250,000 while all other councils are Smaller Councils.
- 12.8 Larger and Smaller Council Forum meetings will take place on a regular basis, as directed by the Executive Committee. Terms of reference will be determined by the Executive Committee but each member council will be entitled to one vote at any meeting and the chairs and vice-chairs of the Forums must already be members of the CDALC Executive Committee.
- 12.9 A casual vacancy for the representatives from the Darlington, Gateshead and Sunderland areas shall be filled by each of those areas and reported to the Executive Officer.
- 12.10 CDALC appointed parish and town council representatives on Durham County Council's Standards Committee, if not already appointed to the Executive Committee, shall ex officio, be non-voting members of the Executive Committee.
- 12.11 Where an Executive Committee Member fails to attend 3 consecutive ordinary meetings of the Executive Committee they will cease to be a member of the Executive Committee.
- 12.12 Any Member of the Executive Committee who is the subject of a Code of Conduct complaint and is found to have breached their Council's Code of Conduct will forfeit their position on the Executive Committee until the next bi-annual election for Executive Committee membership.
- 12.13 Where a Member of the Executive Committee acts in a manner that may bring the CDALC Executive Committee into disrepute and/or compromise confidence in its integrity, the Executive Committee shall have the power to remove that Member from office.

13 FUNCTIONS OF THE EXECUTIVE COMMITTEE

- 13.1 Subject to the provisions of this Constitution, the Executive Committee shall have the power to provide for the conduct, management, control and administration of the affairs of CDALC and may take such steps, incur such expenses, acquire and dispose of such property, enter into such commitments or arrangements and employ such staff or contractors as may be suitable for carrying out the policy of the CDALC into effect.
- 13.2 The Executive Committee shall control the banking and investment of the CDALC funds.
- 13.3 No money shall be borrowed by or on behalf of the CDALC without the Executive Committee's consent.
- 13.4 The Executive Committee shall present an annual report and submit the audited accounts to the Annual General Meeting.

14 FUNCTIONS OF SUB COMMITTEES/WORKING GROUPS

The Executive Committee shall have the power to appoint sub-committees/working groups which may include Members of the General Meeting other than members of the Executive Committee,

- to make rules for the transaction of their business and
- to delegate any of its functions to such Sub-Committees.

The President, Chair and Vice Chair of the Executive Committee shall be ex-officio Members of every Sub Committee/Working group. A Sub Committee/working group may co-opt not more than two (2) of its number from persons other than Members of CDALC member councils and co-opted members of CDALC.

15 PLACE AND TIME OF MEETINGS

The Executive Officer shall give to every person entitled to receive the same, not less than five (5) clear days' notice in writing of the time and place of meetings of the Executive Committee or of any Sub Committee, specifying in such notice the business to be transacted.

16 OMISSION TO GIVE NOTICE OF MEETING

The accidental omission or failure to give notice of any meeting to Member Council or person entitled to receive the same or the non-receipt of any such notice as aforesaid shall not invalidate the proceedings of any such meeting.

17 VOTING

- 17.1 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 demand a ballot when the voting on that question shall be by ballot.
- 17.2 The person chairing a General Meeting, a Meeting of the Executive Committee, or a Sub-Committee shall, in addition to being entitled to vote in the first instance, have a second or casting vote in the case of an equality of votes.

18 EXPENSES OF REPRESENTATIVES AND MEMBERS

Subject to sufficient money being available for the purpose, costs incurred for the necessary travel, subsistence and other incidental expenses of representatives or members attending meetings where such expenses are wholly and necessarily incurred in the discharge of their duties:

- Of the National Association, of the National Council and of any Sub-Committees thereof
- Of CDALC (other than the Annual General Meeting), of the Executive Committee and of any Sub Committee thereof, may be met wholly or partly from the funds of the CDALC.

19 ALTERATIONS OF CONSTITUTION

19.1 Any alteration to, amendment of or addition to this Constitution may, from time to time, be made at any General Meeting if approved by a majority of not less than two thirds of the persons present and voting.

19.2 Notice of any motion for such alteration, amendment, or addition, other than a notice given pursuant to a resolution of the Executive Committee, must be given in writing to the Executive Officer of CDALC not less than one calendar month before the meeting, a copy of every such notice, including those given pursuant to a resolution of the Executive Committee, shall be sent by him/her to every Member Council and to each ex-officio and co-opted Member of the General Meeting at least twenty one (21) clear days before the Meeting at which it is to be considered.

20 EXECUTIVE OFFICER DELEGATED POWERS

The executive officer can:

- (a) incur expenditure of up to £1,000 per item, within the CDALC budget.
- (b) secure sponsorship and grant funding to support CDALC.
- (c) in consultation with the Chair, call emergency Executive or full meetings where the need arises.
- (d) organise relevant training courses for both member councils and members of the Executive.
- (e) implement other such matters as may be decided by the Executive Committee from time to time.