



County Durham
Association of Local Councils

CONSTITUTION

in association with

THE NATIONAL ASSOCIATION OF LOCAL COUNCILS

109 Great Russell Street, London, WC1B 3LD

Last considered and amended at the CDALC Annual General Meeting held on the 24 October 2015

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 and co-ordination to all aspects of the work of Local Councils, as embodied in the following principles of good local government

2.3. To promote the health, safety and well being, both material and cultural of the people in its various communities.

2.4. To attract and hold the interest of its citizens.

2.5. To develop inherent strength to deal with, and work with, all other tiers of local, regional and national government in a valid partnership.

2.6. To adapt itself to change in the way in which the people of the local community, live, work, shop and enjoy themselves.

2.7. To protect, consolidate and develop the existing rights, privileges and functions of Local Councils.

2.8. To encourage and support the universal establishment of elected First Tier Local Government throughout England.

3. MEMBERSHIP

3.1. Every Parish and Town 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 NALC and CDALC.

3.2. 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 the current number of persons on the electoral roll of the parish, the scale 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 CDALC shall have the right to withdraw from membership of NALC should circumstances warrant and may pay to NALC in each financial year such sum as may from time to time be fixed by NALC if in membership.

5.2 CDALC is required to pay subscriptions to NALC in two instalments. The first payment on or before 30th June calculated at 80% of the total using the previous years membership figure as a base with a balancing

sum paid on or before the last day of September using figures supplied to the NALC by 31st August at the latest for the current year.

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 Executive Council 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 elected at the Annual General Meeting

8. OFFICERS

8.1. There shall be a President and not more than three (3) Vice Presidents, an Honorary Treasurer and an Honorary Auditor or Honorary Auditors, all of whom shall be elected at the Annual General Meeting in each year and shall respectively be eligible for re-election. The President or Chair of the Executive shall preside at General Meetings. If at any meeting the President or Chair is absent then a Vice President shall be appointed, or some other person from their own number to preside.

8.2. Nominations for the offices of President, Vice President, Honorary Treasurer and Honorary Auditor shall be sent to the Executive Officer twenty-one days clear days before the Annual General Meeting. This does not apply in the case of nominations by the Executive Committee of CDALC.

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

8.4. Each officer shall hold office during the pleasure of CDALC.

9. ANNUAL GENERAL MEETING OF ASSOCIATION

9.1. There shall be an Annual General Meeting held of CDALC as the Executive Committee shall decide. The Executive Officer of CDALC shall give to each member Council and to every ex-Officio and co-opted member of the CDALC not less than twenty eight (28) days clear notice of the date, time and place of the meeting and shall send with such notice an agenda and any proposals for elections sent to him/her in pursuance of paragraph 8.2. Notice of motions to be put before the annual meeting and a copy of the Annual Report and Statement of Accounts for the preceding year shall be sent to each member council, not less than twenty-one days in advance.

9.2. Every Member Council shall be entitled to appoint, and be represented by two persons at the General Meeting and in addition the President, Vice Presidents and Honorary Treasurer shall, ex-officio, be members of the General Meeting.

9.3. All members of the Executive Committee shall be members of the General Meeting.

9.4. The Honorary Auditor shall, ex officio, be a member of the General Meeting save that he may not vote.

10. SPECIAL GENERAL MEETINGS

Special General Meetings, of which not less than fourteen (14) clear days notice shall be given to each Member Council and to every ex-officio and co-opted Member of the General Meeting stating the objects of the Meeting, may be called at any time by the Executive Committee and 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** representative from each council may vote. A representative is a matter for the individual council to determine, i.e. they delegate who is to attend and more importantly who is to vote on behalf of their council.

11.2. 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 representatives, shall be dissolved, and in any other case shall stand adjourned to the same day in the next week, at the same time and place, and if, at the adjourned meeting a quorum is not present, the persons present who are entitled to vote, if not fewer than fifteen (15) at the time when the meeting proceeds to business, shall form a quorum.

12. AREA COMMITTEES

12.1. CDALC may establish Area Committees for areas consisting of one or more AAP's as it may deem necessary. The Membership of each such Committee shall include all the Member Councils within that area. Councils in Darlington Borough and in the Metropolitan Districts of Gateshead and Sunderland are unaffected by Area Committees and may continue with existing arrangements. Each Member Council shall be entitled to appoint up to three (3) representatives, one of whom may be the Clerk to its Area Committees. All members shall be entitled to attend and speak at the meetings but only one representative from each member council may vote (see 11.1 above).

12.2. Chairs of Area Committees shall be elected annually. No person shall be eligible to serve for more than four consecutive years but may stand for re-election after a break of one year.

12.3. Subject to the terms of this Constitution the functions of Area Committees may be determined from time to time by the General Meeting.

12.4. Subject to the directions of the General Meeting, each Area Committee may arrange its own business and may appoint such officers as it may deem necessary. A copy of the minutes of the proceedings of an Area Committee shall be forwarded to the Executive Committee for consideration.

12.5. Area Committees shall meet whenever they consider it to be appropriate.

13. COUNTY EXECUTIVE COMMITTEE

13.1. An Executive Committee shall be appointed annually at the Annual General Meeting of CDALC, consisting of not more than four (4) Members (President, three (3) Vice Presidents) of whom the Vice Presidents shall at the date of appointment by CDALC be Members of Member Councils. The Honorary Treasurer and Honorary Auditor shall be also appointed at the AGM. To enable a greater diversity of Executive Membership, only one representative per council shall be elected to these Executive positions. Any member ceasing to be a parish councillor shall relinquish their office forthwith. The President, Vice Presidents and the Honorary Treasurer of the Association shall be ex-Officio Members.

13.2. The Executive Committee shall meet at least four (4) times in every year and the quorum at any meeting shall be five (5)

13.3. Each Area Committee shall nominate one (1) Member for appointment to the Executive Committee and shall notify details of their nomination to the Executive Officer by 31 August in each year. A casual vacancy arising on the Executive Committee owing to a resignation of the representative of an Area Committee may be filled immediately by the Area Committee concerned.

14. CHAIR AND VICE-CHAIR OF EXECUTIVE COMMITTEE

14.1. The Executive Committee shall hold its first meeting immediately after the Annual General Meeting each year to appoint a Chair and Vice Chair, at least one (1) of whom shall be a Member of a Member Council when appointed.

14.2. The Chair and Vice Chair shall each hold office during the pleasure of the Executive Committee and shall respectively be eligible for re-election.

14.3. The Chair shall take the chair of 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 Chairman for that meeting from among their number.

14.4. Casual vacancies shall be filled at the next meeting of the Executive Committee.

15. FUNCTIONS OF THE EXECUTIVE COMMITTEE

15.1. 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 servants or agents as may be suitable for carrying out the policy of the CDALC into effect.

15.2. The Executive Committee shall control the banking and investment of the CDALC funds.

15.3. No money shall be borrowed by or on behalf of the CDALC without the Executive Committees consent.

15.4. The Executive Committee shall present an annual report and submit the audited accounts to the Annual General Meeting.

16. FUNCTIONS OF SUB COMMITTEES

16.1. The Executive Committee shall have power

- to appoint sub-committees 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.

16.2. The President, Chair and Vice Chair of the Executive Committee shall be ex-officio Members of every Sub Committee. A Sub Committee may co-opt not more than two (2) of its number from persons other than Members of the General Meeting.

17. PLACE AND TIME OF MEETINGS

The Executive Officer shall give to every person entitled to receive the same, not less than seven (7) 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.

18. 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.

19. VOTING

19.1. 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.

19.2. The person presiding at a General Meeting, a Meeting of the Executive Committee, or a Sub-Committee shall, in addition to his being entitled to vote in the first instance, have a second or casting vote in the case of an equality of votes.

20. EXPENSES OF REPRESENTATIVES AND MEMBERS

20.1. Subject to sufficient money being available for the purpose, the necessary travelling, subsistence and other incidental expenses of representatives or members attending meetings:

- 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.

21. DEFINITION OF MEMBER COUNCIL

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 Parish Council and excludes any such Council which at the relevant time has not paid its subscription for the current year.

22. ALTERATIONS OF CONSTITUTION

Any alteration to, or 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. No alteration, amendment or addition shall be made which is inconsistent with the Constitution for the time being in force of the National Association and any such alteration; amendment or addition shall be subject to the approval of the National Association.

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.

23. EXECUTIVE OFFICER DELEGATED POWERS

The executive officer can

- (a) incur expenditure of up to £500 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.