

## Rules of the Association of Local Council Clerks

These Rules were agreed on the 10<sup>th</sup> June 2016

### Name

1. The name of this body shall be the Association of Local Council Clerks ('ALCC').

### Objects

2. The Association's objects shall be to:

(a) Negotiate and agree and promote and support the improvement of the terms and conditions of professional employment for clerks and senior officers of parish, community and town councils and of parish and community meetings and of clerks and senior officers to charter trustees, both collectively and individually; and

(b) assist its members with advice, support and representation (collectively and individually and to the extent set out in the Association's policies as adopted from time to time) on all aspects of each member's employment in the local council sector;

and the Association shall be empowered to undertake such activities as are consistent with the attainment of such objects but the Association shall not engage in or support any political objective and, in particular, the Association shall not hold a political fund within the meaning of section 82(1)(a) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any successor statutory provision of like effect.

### Membership

3. Membership of the Association is open to persons who meet one or more of the eligibility criteria in rule 4 below.

4. The persons eligible to be Members are, firstly, persons working under a contract of employment in the following roles:

(a) Clerks, deputy clerks and senior officers with similar responsibilities serving town, parish and community councils in England and Wales (including clerks to parishes or communities grouped under a common council) or authorities which have similar roles and responsibilities, and chief officers of equivalent status, responsible financial officers and designated deputy clerks of such councils or authorities, or officers who, although not so designated, are in the opinion of the Association's National Committee employed on a contract of employment as senior officers on duties similar to those officers already described.

(b) Clerks of joint committees appointed by two or more parish, town or community councils or authorities which have similar roles under section 102(1)(b) of the Local Government Act 1972 or officers of equivalent status as described in clause 2.1(a) above.

(c) Clerks of parish and community meetings.

(d) Clerks to charter trustees.

And also:

(e) any other person or category of persons who, in the opinion of the Association's National Committee, should be admitted to membership on a discretionary basis and such categories may include but are not limited to persons previously employed in one of the categories listed above but not in employment at the time of their application to

join or renew their subscription to the Association, provided in each case the person or categories of persons can demonstrate a relevant connection to the local council sector sufficient to justify admitting that person or that category of person.

5. All members shall be required to comply with the Rules of the Association as set out in this constitution and in any other duly adopted conditions of membership of the Association as long as they remain members of the Association, including any rules as to the payment of an annual subscription fee.

### **Membership Decisions and Termination of Membership**

6. Any member who:

- (a) gives notice in writing to the General Secretary of the Association of his / her resignation;
- (b) fails to pay the annual subscription fee within two months of that fee being demanded; or
- (c) ceases for any other reason to be eligible under any of the membership criteria;

shall cease to be a member and shall be given written notice of that cessation.

- 7.

- (a) The Association's National Committee shall be responsible for making decisions about membership. In doing so, it shall adhere to the adopted policies of the Association as they apply from time to time.
- (b) The National Committee shall have the power to reject any application from an applicant who, in the opinion of the National Committee, does not meet the Association's membership criteria or whose membership or continued membership would be prejudicial to the Association.
- (c) The National Committee shall have the power to investigate and dispose of any issue arising from a breach of the Association's rules as set out in this Constitution and in the adopted policies of the Association or which would otherwise be prejudicial to the Association or to the best interests of its members in general. In disposing of a matter, the National Committee may censure a member, and / or may suspend or terminate that member's membership.
- (d) In the event that the National Committee exercises its powers in rule 7(b) or 7(c). above, it shall provide written reasons for its decision to the person affected by that decision and shall only make its formal decision after it has first given the person affected an opportunity to state his or her case in writing.
- (e) The National Committee may publish on the Association's website the name of any member who is formally censured, or whose membership is suspended or terminated under its powers in rule 7(c).

### **Register of Members**

8. The Association shall maintain a register of members of the Association and any member of the Association may inspect the entry in the Register relating to that member at any reasonable hour.

### **National Committee and Regional Representatives**

9. The Association shall establish a body to be known as the National Committee to manage the Association and to take decisions and set policy on all matters affecting the Association except for any matters reserved under these Rules to be decided by the members of the Association or which the National Committee refers to members or delegates to the General Secretary or other officers.

10. The National Committee shall consist of twelve regional representatives, two from each of the regions as specified in Schedule A.
11. Regional representatives shall:
  - (a) act in the interests of the Association and its members in managing the Association and in representing, protecting and furthering those interests on behalf of members;
  - (b) participate in the decision-making of the National Committee on behalf of all members of the Association; and
  - (c) engage with the members in their region and represent the views of those members at the meetings of the National Committee.
12. Except for the first regional representatives (whose names are recorded in Schedule C.) and who are each appointed to office for a period not exceeding twelve months from the date of the formal decision to establish the Association, all regional representative positions shall be subject to election and candidates shall stand for election in accordance with this rule 12, rules 13 to 16 and the election rules set out in Schedule B and in accordance with the statutory provisions governing elections to executive positions in trade unions.
13. Each regional representative shall:
  - (a) be a member of the Association at the time of his / her nomination to office and throughout the period he / she holds office; and
  - (b) be a member employed in the region from which he or she is nominated; and
  - (c) be proposed and seconded by a member also employed in the region concerned; and
  - (d) not be validly nominated unless he / she has signified in writing his / her consent to nomination.
14. Subject to rule 15 below, the period of office of every regional representative, elected at an ordinary election, shall be for four years beginning from the end of the annual meeting of the Association immediately following his / her election until the end of the annual meeting of the Association four years later. Exceptionally, in the case of the first ordinary elections of regional representatives to the Association, the first term of office for one regional representative position from each region shall be two years.
15. If a vacancy for any regional representative position arises more than twelve calendar months before the expiry of the ordinary term of office for any regional representative position, the National Committee shall arrange for the holding with all reasonable dispatch of a by-election in that region. A person elected at a by-election shall take up office immediately after the declaration of the result and his / her term of office shall continue until the end of the remaining period of the ordinary term. In the event that a vacancy arises less than twelve calendar months before the end of the ordinary term of office, the National Committee shall have discretion as to whether or not to hold a by-election to fill the vacancy.
16. A regional representative shall cease to hold office:
  - (a) at the expiry of his / her term of office, unless re-elected for a further term;

- (b) on receipt by the General Secretary or other designated officer of his or her resignation in writing;
- (c) if he / she ceases to be a member of the Association;
- (d) if he / she is absent from two consecutive National Committee meetings without having had such absence approved by the National Committee before the end of the second of those National Committee meetings.

17. A regional representative member of the National Committee shall be elected as its Chairman by the National Committee every year at the first meeting of the National Committee after the Association's annual general meeting and the person elected shall take up that office immediately.

18. The Chairman shall hold office until his or her successor is elected unless he / she:

- (a) resigns as Chairman of the National Committee;
- (b) ceases to a regional representative;
- (c) ceases to be a member of the Association;
- (d) is removed from office by a resolution of the National Committee carried by two thirds of the elected members of the National Committee.

19. A person may be re-elected as Chairman, but may not hold that office for more than four years in succession.

20. The Chairman shall, if present, preside at meetings of the National Committee. In his / her absence a chairman shall be elected for the meeting from among the regional representatives present.

### **Meetings of the National Committee**

21. The National Committee shall meet at least once in every calendar year.

22. The procedural standing orders for National Committee meetings shall be those agreed by the National Committee subject to rules 17 to 20 above and subject to the following provisions:

- (a) The quorum for a meeting of the National Committee shall be four.
- (b) Decisions of the National Committee shall be decided by majority vote.
- (c) Each regional representative shall be entitled to one vote on each item of business transacted.
- (d) In the event that the votes cast in respect of any matter are equal, the person presiding shall be entitled to a second or casting vote.
- (e) Minutes shall be taken at all National Committee meetings and, once approved, shall (save for 'confidential' items) be published on the Association's website.
- (f) The publishing requirements in rule 22(e) shall not apply to any agenda item, note, report, minute or other document concerning a matter deemed 'confidential'. But the National Committee at its first meeting after the matter arises (if it arises before a meeting) or at the meeting at which the matter arises:
  - a. must consider whether, in the circumstances which apply, the designation 'confidential' should be applied or maintained as being necessary or desirable in the interests of fairness to any person, in the interests of the Association, or for any other legitimate reason; and
  - b. if so, the period for which the designation should have effect; and

- c. record in the minutes of the meeting the fact that an item was deemed to be a confidential item and the reasons for that decision, in so far as it is reasonable to do so in the light of the confidentiality of the matter.
- (g) The General Secretary shall be entitled to bring forward any matter for consideration at National Committee meetings and to attend and participate in those meetings, but he / she shall have no voting rights in respect of decisions to be taken.
- (h) The Association's designated Finance Officer shall be entitled to bring forward any matter concerning the Association's financial position or potential position for consideration at National Committee meetings and to attend and participate in those meetings whilst any such item is under discussion, but he / she shall have no voting rights in respect of decisions to be taken.
- (i) No person may participate or vote on any matter which affects or is likely to affect that person more than it affects or is likely to affect the Association's members in general.

#### **General Meetings of the Association**

23. The National Committee shall convene an annual general meeting of the Association open to all paid up members of the Association.
24. The National Committee shall submit to each Annual General Meeting an annual report and the Association's audited accounts.
25. An Extraordinary General Meeting may be convened:
  - (a) by direction of the National Committee; or
  - (b) on a requisition (stating the object of the meeting) signed by at least 50 members and submitted to the General Secretary.
  - (c) The General Secretary shall call an Extraordinary General Meeting within seventy days of the receipt of a valid requisition, giving at least 42 days' notice in writing to all members of the Association.
  - (d) The time and place of a requisitioned meeting shall be set by the General Secretary in consultation with the Chairman of the National Committee and, except for any item of urgent business raised by the General Secretary or the Chairman of the National Committee, the only business to be included in the agenda shall be the business referred to in the requisition.
26. The procedure for general meetings of the Association shall be set by the National Committee subject to the following provisions:
  - (a) The Chairman of the National Committee and the General Secretary shall set the agenda for general meetings, except when the meeting is called by members and subject to the right of members to give notice of items they wish to be included under rule 26(b) below.
  - (b) Any group of ten members may bring forward any matter within the scope of the objects of these Rules for consideration at any annual general meeting of the Association by giving notice to the General Secretary of the Association no less than 70 days prior to the date of the meeting. The first-named person in such notice shall be treated as the proposer of the motion and the second-named person as the seconder of the motion and the proposer must propose the motion and the seconder must second the motion in person at the general meeting before the matter may be debated or voted upon by members in the meeting.

- (c) Notice of each general meeting together with details of the business to be transacted at the meeting shall be given to members and publicised on the members' pages of the Association's website at least forty two days in advance of the meeting.
- (d) No significant amendments shall be allowed to motions on the Agenda of a general meeting unless allowed by a majority of those members of the National Committee who are present at that general meeting.
- (e) The quorum for a meeting of the Association shall be one tenth of the number of paid up members or 60 members whichever is the lower.
- (f) The only persons entitled to attend a general meeting shall be the members of the Association and any others invited by the General Secretary or Chairman with the approval of the members in the meeting.
- (g) The Chairman of the National Committee shall preside at general meetings, if present.
- (h) Decisions of the Association shall be by a majority vote.
- (i) Each member shall be entitled to cast one vote on any matter to be determined by a ballot.
- (j) In the event that the votes cast in respect of any matter are equal, the person presiding shall be entitled to a second or casting vote.
- (k) Minutes shall be taken at all Association meetings and, once approved, shall be published on the Association's website.
- (l) Regional representatives shall be entitled to bring forward any matter for consideration at general meetings on behalf of members in their region.
- (m) The General Secretary shall be entitled to bring forward any matter for consideration at general meetings and to attend and participate in those meetings, but he / she shall have no voting rights in respect of decisions to be taken.
- (n) The Association's designated Finance Officer shall be entitled to bring forward any matter concerning the Association's financial position or potential position for consideration at Association meetings and to attend and participate in those meetings whilst any such item is under discussion, but he / she shall have no voting rights in respect of decisions to be taken.
- (o) Subject to the approval of the members in the meeting, the General Secretary or the Chairman of the National Committee may refer for determination and consideration at a general meeting any matter which he / she considers to be of an urgent nature and any such matter shall not be subject to the timescales in these Rules.

### **General Secretary and Other Officers**

27. The officers of the Association shall include a General Secretary, a designated Finance Officer and such other officers as the National Committee may from time to time determine. The same individual may, if the National Committee so desires, be appointed to hold more than one office. The General Secretary shall be appointed to office by an election held in accordance with the provisions of these rules and Schedule B.
28. No General Secretary shall remain in office for longer than the five year statutory maximum period unless re-elected at a second or subsequent election.
29. The National Committee may resolve prior to the close of nominations in any election for a General Secretary that the term of office for that office shall be less than the statutory maximum.
30. A person is only eligible to stand for or to hold office as General Secretary, if he / she is a member of the Association.

31. The General Secretary shall have duties, powers and responsibilities commensurate with the post of principal officer as approved by the National Committee, and shall act under the direction of the National Committee and in accordance with a scheme of delegated powers approved by the National Committee.
32. The General Secretary may (in a case of criminal activity or of bringing the Association into disrepute) be suspended for up to six weeks by the Chairman of the national Committee and (in any case) the General Secretary may be removed from office by a vote carried by two thirds or more of the members present and voting in a general meeting.

### **Subscriptions**

33. The annual subscription rate or rates appropriate for membership shall be set by the National Committee. See also rule 6(b) above.

### **Auditors**

34. The Association's accounts shall be audited annually and an external auditor shall be appointed annually at the Association's Annual General Meeting.

### **Validity of Acts**

35. All acts done by the Association, by the National Committee, or by any officer or officers, shall be valid notwithstanding that it be subsequently discovered that there was some defect in election, appointment or procedure or that any of them was disqualified.

### **Service of Notices**

36. Notice in writing to any member of the Association shall be deemed to be properly and sufficiently served if sent by post to the member at his last known address for correspondence notified in writing by that member to the Association.
37. Subject to the approval of the National Committee and to any statutory restrictions, the Association shall be entitled to give notice by electronic means to any member who has provided an email address for such purposes.
38. Notices from members to the Association shall be addressed to the Association's head office and marked for the attention of the General Secretary.

### **Indemnities**

39. Members of the Association shall be indemnified out of the funds of the Association from and against all costs, charges, losses, damages and expenses which they or any of them shall sustain or incur in the execution of the powers and duties conferred on them by or on behalf of the Association and unless the same shall arise by reason of their own wilful neglect or default.

### **Dissolution of the Association**

40. The Association may at any time be dissolved by a motion carried by a majority of two thirds of those members present and voting at an extraordinary meeting duly called for that purpose.
41. Upon the carrying of a motion for dissolution of the Association by the requisite majority, the National Committee shall thereupon proceed to realise all the property of the Association and, after the discharge of all liabilities (including the return to SLCC Enterprises Ltd of the balance of any grant monies from SLCC Enterprises Ltd to ALCC which at the date of the resolution remain after the discharge of the Association's liabilities to its creditors), shall divide any surplus equally amongst all those who are members of

the Association on the date of dissolution and, upon completion of such division, the Association shall be deemed to be dissolved.

42. The requirement in rule 41 to realise property the property of the Association shall not apply where the dissolution is solely for the purpose of amalgamating the Association with another organisation.

#### **Alterations to the Rules**

43. The Association's rules may be amended or rescinded only by a resolution supported by at least two thirds of those members voting at a general meeting of the Association of which notice has been given in accordance with rule 26.

#### **Interpretation**

44. The provisions of the Interpretation Acts shall apply for the interpretation of these Rules as they apply for an Act of Parliament.

### **Schedule A Regions for Ordinary Elections to the National Committee**

East of England  
Midlands  
North of England  
South East  
South West  
Wales

### **Schedule B Election Rules**

1. All elections for the post of General Secretary and for regional representatives shall be conducted in accordance with the statutory requirements for elections applying to executive positions in trade unions and in accordance with these Rules.
2. Candidates nominated at an election shall be given the opportunity of preparing an election address, to be no longer than a maximum specified by the National Committee. Where a ballot is required, each candidate's election address shall be sent (free of charge to the candidates) to all members entitled to vote together with the ballot paper. No further Association funds may be spent promoting any candidate or candidates before or during any election, the costs of which shall be met wholly by the individual candidate concerned.
3. Any other matter of procedure or organisation or administration of or relating to elections shall be determined by the National Committee.



### Schedule C The First Regional Representatives

<b>Region</b>	<b>Regional Representatives</b>
East of England	Richard Bishop
	Carol Smy
Midlands	Michael Lennon
	Tracey Broughton
North of England	Alan Blakeley
	Michael King
South East	Linda Hedley
	Steven Trice
South West	Paula Heath
	Bob Gillis
Wales	Katherine Owen
	Edward Humphreys