



## **ASSOCIATION OF LOCAL AUTHORITY CHIEF EXECUTIVES AND SENIOR MANAGERS**

### **MISSION STATEMENT**

ALACE exists to further and defend the interests of its Members by seeking, through collective action and individual support, to help them to improve their conditions of service and to protect themselves against whatever threatens the integrity, security and continuation of their role in public service.

## **CONSTITUTION**

### **Clause and Subject**

1. Name and Objects of the Association
2. Membership
3. Joining, Resignation and Discipline of Members
4. Subscriptions
5. Levies
6. Honorary Officers and Trustees
7. Council
8. Power to Remove Council or Officers
9. Powers of Council
10. Council Meetings
11. Branches
12. Validity of Acts
13. Indemnity of Council and Officers
14. General Meetings
15. Vesting of Property
16. Financial Year and Inspection of Accounts
17. Dissolution
18. Alteration and Interpretation of Constitution

## **ANNEX**

### **Disciplinary Provisions and Procedure**

Note: This Constitution was adopted by the Association at its Annual General Meeting held in Birmingham on Wednesday 5 July 2017. It replaced the Constitution adopted in 2007 and revised up to and including 2009.

# ASSOCIATION OF LOCAL AUTHORITY CHIEF EXECUTIVES AND SENIOR MANAGERS

## 1. NAME AND OBJECTS OF THE ASSOCIATION

1.1 The name of the Association shall be “The Association of Local Authority Chief Executives and Senior Managers”, commonly known as “ALACE”.

1.2 The objects of the Association shall be:

- (a) To confer and take action on all matters affecting the remuneration, compensation, fees, pension benefits, status, duties, protections, responsibilities, conditions of service and interests of its Members.
- (b) To confer and take joint action with other associations, trade unions, persons or bodies on matters affecting the Association or its Members.
- (c) To improve the conditions of service and protect the interests of its Members; to regulate relations both between its Members and between them and their employing authorities; to do all such things as from time to time may be considered necessary or advisable to promote, safeguard, maintain or improve the interests and status of its Members and to give active support to any Member or Members in any cause within the scope of clause.
- (d) To make payments, loans (with or without interest) or guarantees to or for the benefit of its Members, or the dependants of deceased former Members for the purpose of mitigating need or hardship.
- (e) To do all such other lawful things as are incidental and conducive to the attainment of the above objects, or any of them.

## 2. MEMBERSHIP

2.1 Subject to clauses 2.2 and 2.3, a person shall be eligible for Membership while holding the position of: -

Role	Type of body
1. Head of paid service (however designated)	Principal councils, which means:  Principal councils in England under section 2 of the Local Government Act 1972  Council of the Isles of Scilly under section 265 of the 1972 Act  Greater London Authority under section 1 of the Greater London Authority Act 1999  County and county borough councils in Wales under section 21 of the 1972 Act

	<p>(as inserted by the Local Government (Wales) Act 1994)</p> <p>Councils in Scotland under section 2 of the Local Government etc. (Scotland) Act 1994</p> <p>District Councils in Northern Ireland constituted for the districts in section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008</p> <p>And equivalent bodies in the Isle of Man and Channel Islands</p>
<p>2. A post which benefits from statutory protection arrangements: the monitoring officer, chief financial officer and (in Wales) the head of democratic services.</p> <p>These are appointments made under section 5 of the Local Government and Housing Act 1989; section 151 of the 1972 Act (England and Wales), section 95 of the Local Government (Scotland) Act 1973 or section 54 of the Local Government Act (Northern Ireland) 1972; or section 8 of the Local Government (Wales) Measure 2011.</p>	<p>As above</p>
<p>3. Any senior manager who reports directly to the head of paid service, whatever the job title (e.g. director, assistant chief executive, head of.... etc), subject to a minimum annual full-time salary of £70k.</p>	<p>As above</p> <p>The ALACE Council may from time to time vary the salary qualification.</p>
<p>4. The chief executive (however designated) or senior manager reporting directly to the chief executive.</p>	<p>Local government authorities or bodies, usually operating over the areas of several principal councils e.g. offices of</p>

<p>This is subject to:</p> <ul style="list-style-type: none"> <li>(a) In the case of a senior manager, a minimum annual full-time salary of £70k; and</li> <li>(b) the employment being pensionable under the terms of the local government pension scheme; or</li> <li>(c) the employment being on local authority terms and conditions.</li> </ul>	<p>Police and Crime Commissioners, Fire and Rescue Authorities, National Park Authorities, Combined Authorities, local government associations representing principal councils.</p> <p>Companies or bodies wholly or mainly owned by one or more principal councils e.g. arm's length management organisations for housing, service delivery companies, regeneration and development companies, accountable care organisations, trusts.</p> <p>In cases of doubt, the ALACE Council shall decide on the scope of eligibility. In addition, the ALACE Council may from time to time amend the eligibility criteria in section 4, including the descriptions of bodies and salary or other qualifications.</p>
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2.2 Any Member of the Association upon ceasing to be eligible for Membership and any former Member of the Association, regardless of the abolition of their former employing authority, shall be eligible to become a retired Member on payment of the sum or subscription currently fixed by the Council. For the avoidance of doubt, any person in membership of the Association at the time of adoption of this constitution in July 2017 may continue in membership, so long as the full annual subscription is paid, notwithstanding that he or she is not eligible under paragraph 2.1 above.

2.3 An Officer of the Association may, while continuing in office, retain Membership of the Association under clause 2.1 above notwithstanding otherwise ceasing to be eligible.

2.4 Retired Members may not be appointed Honorary Officers (except in the case of the Honorary Treasurer), serve on the Council or vote at General Meetings or in polls of the Association, but may hold office as Trustees, or hold engagement or contract under clause 9.2.

### **3. JOINING, RESIGNATION AND DISCIPLINE OF MEMBERS**

3.1 Any eligible person wishing to join the Association shall apply in writing in whatever manner the Council shall currently require and shall be given a written decision within one month of receipt (stating reasons if the application is refused).

3.2 Council may from time to time determine policies whereby any class or group of members may be excluded or restricted in receipt of the benefits of Membership or

whereby members may be required to pay for consultancy support. The policies so determined shall be made available to all members on the Association's website.

3.3 A member shall forthwith notify the Association in writing in whatever manner the Council shall currently require on ceasing to be qualified for membership, but shall remain liable for any subscription (including the subscription for the whole of the Association's current accounting year) or other sums due and unpaid. A member who ceases to be eligible for membership part way through a year and has paid the subscription for that year shall remain a member of the Association until the end of that year and eligible for consultancy support as set out in paragraph 3.3. At the Association's discretion, to be exercised by the Honorary Secretary in accordance with any guidance from the Council, support may be provided to former members of the Association (for example, in the event of challenge to a settlement that has been agreed with the Association's support).

3.4 Members shall be subject to the disciplinary provisions and procedure set out in the Annex.

3.5 Any person expelled from membership shall remain liable to pay all sums due to the Association at the date of expulsion and shall have no claim on any Association funds or property.

#### **4. SUBSCRIPTIONS**

4.1 Subscription levels shall be fixed by the Annual General Meeting or Council and be payable in accordance with the Association's accounting year under clause 16.1. Different levels of subscription may be fixed for Members employed by different types and population bands of employing authority and may differentiate retired Members similarly, as well as according to whether such persons currently have other employment of any kind.

#### **5. LEVIES**

5.1 Each Member (other than retired Members) may be required to contribute such sum, by way of a levy, as a General Meeting may resolve, provided that such levy may be made only after an item has been tabled accordingly on the notice convening the Meeting and the resolution resulting has been approved by a two-thirds majority of those present and voting.

#### **6. HONORARY OFFICERS AND TRUSTEES**

6.1 The Association's Honorary Officers shall be a Chair, Vice-Chair, Honorary Secretary and Honorary Treasurer, elected at the Annual General Meeting. Provided that, in the case of a contested election for Chair or Honorary Secretary, the election shall be conducted by ballot in accordance with the requirements of the Trade Union and Labour Relations (Consolidated) Act 1992 and Trade Union Reform and Employment Rights Act 1993 by an independent person appointed for the purpose by the Council.

6.2 A General Meeting may appoint any other Honorary Officers.

6.3 Only members who are serving as heads of paid service shall be eligible for election to the role of Honorary Secretary; and, in the event that the Chair is not serving as a head of paid service, only members who are serving as heads of paid service shall be eligible for election to the role of Vice-Chair.

6.4 The Honorary Officers shall comprise the Trustees of the Association, although any Honorary Officer may decline to become, or may resign as, a Trustee.

## 7. COUNCIL

7.1 The Council of the Association shall comprise the Honorary Officers together with eighteen Members (not being retired Members) elected annually to come into office at the Annual General Meeting as follows:

	<b>Number on Council</b>
<b>England</b> County councils in areas which have district councils District councils	One, who shall be a head of paid service  Six, at least three of whom shall be heads of paid service
Unitary authorities (a) London Boroughs & Corporation of the City of London (b) Metropolitan Districts/Boroughs (c) Unitary authorities including county councils in areas which do not have district councils	Six, at least three of whom shall be heads of paid service AND at least one member shall come from each of the three types of unitary authority.
<b>Northern Ireland</b> District councils	One, who shall be a head of paid service
<b>Scotland</b> Unitary and Island Councils	Two, at least one of whom shall be a head of paid service
<b>Wales</b> County and County Borough Councils	One, who shall be a head of paid service
<b>Other local government authorities and agencies related to local government</b>	One

7.2 If there are more nominations than vacancies, a ballot shall be held of those Members (not being retired Members) from the relevant type of authority. There shall be a single transferable vote system.

7.3 In the case of a contested election, the election shall be conducted by ballot in accordance with the requirements of the Trade Union and Labour Relations (Consolidated) Act 1992 and Trade Union Reform and Employment Rights Act 1993 by an independent person appointed for the purpose by the Council.

7.4 In the event of any vacancy among members of the Council, the Council may take such steps as it considers appropriate to fill the vacancy and any person

appointed by the Council under this paragraph shall hold office until the next Annual General Meeting.

## **8. POWER TO REMOVE COUNCIL OR OFFICERS**

8.1 The Association may remove the Council or any Officer by a majority of those present and voting at a General Meeting of which at least twenty-one days' notice shall have been given.

## **9. POWERS OF COUNCIL**

9.1 The Council shall have full powers to manage the affairs of the Association under this Constitution and shall have delegated authority over all matters not specifically to be done in General Meeting or by an Officer, subject to any policies or directions laid down either in General Meeting or by an Officer so authorised. The Council may delegate to one or more of the Honorary Officers any business other than the fixing of subscriptions or the filling of casual Council vacancies.

9.2 The Council shall have power to engage employees, consultants or independent contractors and to settle their remuneration, conditions of service and contract terms, as appropriate, and to acquire premises for transacting the Association's business and to do such other things as they consider required for its conduct.

9.3 The Council shall have power to establish companies limited by guarantee or by shares (and whether or not in concert with other persons) whose principal purposes shall serve or further the objects of the Association.

9.4 The Council shall have power to establish and maintain charitable funds which serve or further the objects of the Association or which provide for the needs of its Members or some of them.

9.5 The Council shall have power to register or license the Association under any legislation whereby such registration or licensing (or similar requirement) is obligatory or voluntary and subject to clause 9.6 to take all such steps as may be legally required to establish, maintain or further the Association as a trade union.

9.6 The Council shall not affiliate the Association to any party political organisation or otherwise compromise the obligations of its Members under Section 2 of the Local Government and Housing Act 1989.

## **10. COUNCIL MEETINGS**

10.1 The quorum for Council meetings shall be four.

10.2 Council decisions shall be by a majority of Council Members present and, where the voting is equal, the Chair, Vice-Chair or other person chairing shall have a casting vote. Motions may be moved, seconded, amended and debated as determined by the person chairing.



10.3 The Council shall have power to meet by teleconferencing, videoconferencing or other electronic means and, provided that all Council Members receive notification in advance as required for an actual Council meeting, may make binding decisions thereby or by subsequently confirmed written or electronic communication.

## **11. BRANCHES**

11.1 The Council may create Branches comprising any territorial groups of principal Councils and may make rules for, and authorise payments or guarantees to, such Branches. The Council may, on such terms as it thinks fit, allow subscriptions to be paid through Branches and subject to Branch deductions.

11.2 Not all principal Councils need be comprised in Branches, but no principal Council shall be part of more than one Branch at the same time.

11.3 The Council may, at any time, dissolve or alter Branches and may make consequential arrangements.

## **12. VALIDITY OF ACTS**

12.1 All acts done by any meeting of the Council or by any Member of the Council acting with authorisation in that behalf shall, notwithstanding that there is any defect in the appointment of the Council or Member or any disqualification, be as valid as if the defect or disqualification did not exist.

## **13. INDEMNITY OF COUNCIL AND OFFICERS**

13.1 Council Members and Officers shall be indemnified by the Association from and against all costs, charges, losses, damages and expenses whatsoever which they, or any of them, shall sustain or incur in carrying out their powers and duties, unless the same shall arise because of their own wilful neglect or default.

## **14. GENERAL MEETING**

14.1 The Annual General Meeting shall be held each year at such a time and place as the Council shall decide.

14.2 The Honorary Secretary shall, at least seven days before any General Meeting, send to every Member by post, fax, e-mail or other means a notice of the meeting specifying the business and, if practicable in the case of the Annual General Meeting, a copy of any annual report and of the audited accounts and balance sheet.

14.3 The Chair, or otherwise the Vice-Chair or someone else chosen by the meeting, shall preside at a General Meeting. Motions may be moved, seconded, amended and debated as determined by the person chairing.

14.4 The quorum for General Meetings shall be twelve.

14.5 General Meeting decisions shall be by a majority of Members (not being retired Members) present and, where the voting is equal, the person chairing shall have a casting vote.

14.6 A General Meeting may be called at any time on the authority of the Chair or Council, or upon demand written, faxed or e-mailed to the Honorary Secretary by twenty Members (not being retired Members). Such a requisition shall state the business proposed for the meeting and require that a General Meeting be held in not less than twenty-one nor more than forty-two days.

14.7 A motion not included on the agenda for a General Meeting shall not be moved unless written notice of its full terms has been sent, faxed or e-mailed by its intended mover and seconder to the Honorary Secretary at least fourteen days before the meeting date. Once moved and seconded at any General Meeting, such a motion may be amended and debated in the same way as other business.

14.8 When a vote is taken at a General Meeting, immediately after the declaration of the result by the Chair or other person chairing, a poll of all Members of the Association may be demanded by at least a third of the Members (not being retired Members) present or twenty Members (not being retired Members), whichever is the greater. If a poll is demanded by the requisite number of Members, the resolution previously put to the vote shall be referred to a ballot of all Members (not being retired Members) to be directed by the Chair or Deputy Chair.

14.9 A ballot under clause 14.8 may be conducted by post, fax or e-mail or a combination of them, but shall, in any event, give each person entitled to vote an equivalent opportunity to do so.

14.10 The result of a ballot under clause 14.8 shall be reported to the next meeting of the Council, which shall give effect so far as possible to the outcome of the ballot, which shall be deemed to have been a resolution passed by a General Meeting.

14.11 A General Meeting may do whatever the Council may do.

## **15. VESTING OF PROPERTY**

15.1 All property and effects of the Association shall be vested in Trustees appointed under clause 6.3.

15.2 The Association's funds may be invested in any manner lawful for the investment of trust funds.

## **16. FINANCIAL YEAR AND INSPECTION OF ACCOUNTS**

16.1 Unless a General Meeting decides otherwise, the Association's financial and administrative year shall be the calendar year.

16.2 The Association's accounts shall be audited as soon as practicable by one or more Auditors appointed at the Annual General Meeting.

16.3 The Association's books and accounts, and lists or databases of Members, shall be open to inspection by any Member on one week's notice being given in writing by post, fax or e-mail to the Honorary Treasurer.

16.4 Such monies as may at any time be held in the Association's general funds attributable to its former Benevolent Fund (as merged with the Association's other funds with effect from 5 July 1996) shall not, unless the Council considers that it would be lawful and appropriate, be used for purposes incompatible with those for which they were originally covenanted or paid to the Benevolent Fund for the benefit of Members in financial hardship.

## **17. DISSOLUTION**

17.1 The Association may be wound up voluntarily by resolution passed by a majority of those Members (not being retired Members) present and voting at a General Meeting for which at least twenty days' notice has been given by the Honorary Secretary to every Member by post, fax, e-mail or other means.

17.2 For the avoidance of doubt, the ballot procedure of clause 14.8 may be used after a vote on a resolution under clause 17.1.

17.3 Where a resolution to wound up has been passed (whether or not after a ballot under clause 14.8) a General Meeting may direct that the Association's funds shall be transferred to any other organisation concerned with the interests of persons employed in local government management, or to any charitable organisation they may select, and, failing such direction, the funds shall be distributed equally among the Members (not being retired Members) on that date.

## **18. ALTERATION AND INTERPRETATION OF CONSTITUTION**

18.1 A General Meeting may alter, amend or rescind this Constitution provided that notice specifying the nature of the changes has been given under clause 14.2.

18.2 The decision of the Council shall be final on the interpretation of this Constitution and on any matters not covered by it.

18.3 The Interpretation Act 1978 shall apply for the interpretation of these rules as it applies for an Act of Parliament.

## **CLAUSE 3.4 ANNEX**

### **DISCIPLINARY PROVISIONS AND PROCEDURE**

#### **Investigation Group and Disciplinary Tribunal**

1. The Council may from time to time, and shall when required, establish:
  - (a) an Investigation Group; and
  - (b) a Disciplinary Tribunal consisting of Members appointed by it, either for a specified period of time or to deal with one or more specified cases or complaints.
2. No person shall at any time be a member both of the Investigation Group and the Disciplinary Tribunal.

#### **Investigations**

3. If, whether following receipt of a report, representation or complaint or otherwise, it appears to the Honorary Secretary, after giving the Member in question an opportunity to provide an explanation, that a Member has prima facie committed any of the following acts or omissions:
  - (a) conduct detrimental to the honour or interest of the Association or calculated to bring the Association into disrepute;
  - (b) wilful and persistent refusal to comply with the Constitution or Rules of the Association,the Honorary Secretary shall refer the matter to the Investigation Group, which shall then conduct an investigation in such manner as it may think fit.
4. Following conclusion of its investigation, the Investigation Group shall prepare and submit to the Disciplinary Tribunal a written report stating:
  - (a) its findings;
  - (b) whether, in its opinion, there are sufficient grounds for bringing one or more disciplinary charges; and
  - (c) if so, the specific charge or charges which should be brought.

#### **Disciplinary Hearings**

5. If the report of the Investigation Group states the opinion that one or more charges should be brought, the Disciplinary Tribunal shall give the Member written notice of a meeting at which it will conduct a hearing of the charge or charges and the supporting evidence. The notice shall:
  - (a) specify the charge or charges; and
  - (b) be accompanied by a copy of the report of the Investigation Group.
6. The Member shall be entitled to appear and be heard at the meeting, to call witnesses, to cross-examine witnesses called to give evidence in support of the charge or charges and to tender to the Disciplinary Tribunal, orally or in writing or both, any submission with regard to the charge or charges.
7. Following the conclusion of the hearing, the Disciplinary Tribunal shall consider and determine whether or not each charge against the Member has been proved to

its satisfaction and, if any charge has been so proved, determine any penalty or penalties to be imposed. It shall then notify its decision in writing to the Member stating:

- (a) the finding in respect of each charge;
- (b) if one or more charges are found proved, any penalty or penalties imposed; and
- (c) particulars of the procedure for appealing against the decision.

### **Disciplinary Sanctions**

8. If the Disciplinary Tribunal has found one or more charges proved, the penalty or penalties which it may impose may be to do any one or more of the following:

- (a) to expel the Member from the Association;
- (b) to suspend all or any of the Member's rights of membership (with or without liability for continuing payment or annual subscriptions);
- (c) to reprimand the Member; and the Disciplinary Tribunal may also publish the decision, with or without naming the Member.

9. Any penalty or penalties imposed by the Disciplinary Tribunal shall not be implemented, and, if an appeal is made, shall not be implemented unless and until the appeal has been heard and the penalty or penalties has or have been upheld.

### **Appeals**

10. A Member in respect of whom the Disciplinary Tribunal has made a decision shall be entitled to appeal against the decision, or any part of it, by submitting in writing to the Honorary Secretary a request that the matter be reviewed by the Council, specifying the grounds to be relied on in support of the appeal. The request must be received by the Honorary Secretary within twenty-eight days of the date on which the decision was received by the Member.

11. The Council shall determine the procedure to be followed for the consideration of the appeal, but the Member shall have a right to an oral hearing at a meeting of the Council and, at that hearing, to call witnesses, to cross-examine witnesses called to give evidence in support of the decision appealed against and to tender, orally or in writing, any with regard to the decision.

12. No Member of the Council who was a Member of the Investigation Group which undertook the investigation or of the Disciplinary Tribunal which made the decision appealed against shall participate in the hearing of the appeal.

13. Following determination of the appeal, the Honorary Secretary shall notify the decision in writing to the Member, whereupon any penalty or penalties shall become effective and be implemented.

### **Honorary Secretary**

14. If the Honorary Secretary is involved in or is the subject of a report, representation or complaint which could give rise to an investigation by the Investigation Group, all the functions of the Honorary Secretary with respect to the matter under this Annex shall be performed by the Chair or, if the Chair is

unavailable or otherwise unable or unwilling to act, by the Vice-Chair or such other Officer or Member as the Chair may nominate instead.