



## CONSTITUTION

### Synopsis

The Constitution of East Midlands Councils requires agreement by its membership.

Supporting documents are included that provide information on the proposed operation of the organisation and guidance for Members.

### Recommendations

- Members are invited to consider and endorse the Constitution for East Midlands Councils.
- Members are further invited to note the supporting documents to the Constitution, specifically the 'Code of Practice' (Appendix 1) and 'Structure of East Midlands Councils' (Appendix 2).



## EAST MIDLANDS COUNCILS (July 2010)

### CONSTITUTION

#### 1. NAME

- 1.1 The Body shall be known as East Midlands Councils (referred to hereafter as EMC).

#### 2. THE REGION

- 2.1. The geographical area covered by EMC is encompassed by the boundaries of the Government Office for the East Midlands and shall comprise Derby City, Derbyshire, Leicester City, Leicestershire, Lincolnshire, Nottingham City, Nottinghamshire, Northamptonshire, Rutland and the Peak District National Park.

#### 3. ROLES AND RESPONSIBILITIES

##### Purpose

- 3.1 EMC will represent the interests of all 46 Local Authorities within the region, acting as a representative and influencing body.
- 3.2 EMC will work to boost the social, economic and environmental quality of life for all the people of East Midlands.
- 3.3 EMC will act as a consultative forum to support and advise where appropriate the Executive Board in delivering its roles and responsibilities.

##### Principles

- 3.4 EMC and its operation must be open and transparent and should be underpinned by the principles of public life set out in the organisation's '**Code of Practice**'. Meetings of EMC shall be open to the public and documentation made widely available.

- 3.5 EMC shall draw its legitimacy through having all of its members drawn from directly elected members of Local Authorities.

#### **4. OBJECTIVES**

##### **4.1 East Midlands Councils will:**

- a) Be the collective voice for Local Authorities on significant issues affecting the East Midlands.
- b) Work collaboratively with Local Government, *emda*, the Government Office for the East Midlands and other key regional, sub regional and national agencies on the development and delivery of the localism agenda and the roles and functions of EMC.
- c) Provide a line of accountability from the Executive Board to the wider Local Government constituencies.
- d) Engage with national, European and international institutions (including other sub-national bodies) to influence policy and practice for the benefit of the East Midlands.
- e) Engage partners in future processes for determining major investment priorities.
- f) Provide a reporting and governance mechanism for regional local government partnerships, e.g Regional Improvement and Efficiency Partnership (RIEP).
- g) Raise awareness of EMC and its role by widely communicating its activities.
- h) Periodically review sub-national working arrangements to ensure that new challenges, opportunities and roles can be properly addressed.
- i) Act as the designated Regional Employers Organisation and point of contact for employers and recognised trade unions in relation to local government services.
- j) Provide support, and advice and best practice in the fields of employee education and training, management practice and development, employee relations, human resource management, and councillor development to Local Authority members in the region.

## 5. MEMBERSHIP

- 5.1 Each District, County and Unitary local authority in the region shall be invited to be a full member of EMC, subject to paying the subscriptions provided for in the subscription scheme for the time being in force.
- 5.2 County, Unitary and District Councils who are members of EMC will nominate representatives to attend meetings of EMC in accordance with the Appendix to this Constitution. The provisions in that Appendix relating to representation from County, Unitary and District Councils may be amended by the Executive Board.
- 5.3 The Peak District National Park Authority will be invited to nominate 1 representative to attend meetings of EMC.
- 5.4 Parish Councils will be invited to nominate a total of 2 representatives to attend meetings of EMC.
- 5.5 Fire and Rescue Authorities will be invited to nominate a total of 2 representatives to attend meetings of EMC.
- 5.6 Police Authorities will be invited to nominate a total of 2 representatives to attend meetings of EMC.
- 5.7 Other bodies which are clearly in the mainstream of and identified with local government, and other bodies working in partnership with local government, may subject to the agreement of the Executive Board be admitted to associate membership of EMC by way of subscription and have access to services, but shall have no representation or voting rights.
- 5.8 Each member of EMC should be committed to representing the interests of the inhabitants of the area represented by that member and to encouraging the full participation of all the people it represents.
- 5.9 All Members should demonstrate support for EMC's purpose, principles and objectives and work in a spirit of partnership within the terms of this constitution.
- 5.10 County and Unitary authorities, by accepting membership of EMC, agree to underwrite jointly and in equal parts any liabilities which may be incurred in the name of EMC during the period of their membership and any liabilities, costs or deficits which fall to be met on dissolution of EMC, save that if at any time there are less than five principal authorities in membership of EMC,

those liabilities costs or deficits shall be met by all authorities in membership at that time.

5.11 Advisers

- a) EMC shall also be able to invite such other representatives from local, regional and or sub regional organisations as it so determines to act in an advisory capacity; such Advisers shall receive all agendas and papers for EMC meetings and shall have the right to speak but not vote on any item.
- b) EMC may also invite other non-members to take an active part in particular meetings of EMC. Such participation should be for a clear purpose and have a perspective relevant to authorities in membership of EMC.

5.12 Substitution

Each Member organisation may authorise an 'alternate Representative', for any duly nominated Representative, who may attend, speak and vote on his/her behalf at any EMC meeting. Members must inform the EMC Secretariat of the names of nominated and alternate Representatives, in advance of any meetings they might attend.

5.13 Period of Office for Members' Representatives

There shall be no limit to the period of office of Representatives, who will be replaced at the discretion of Member Organisations.

5.14 Selection

Each Member Organisation shall have the right to determine how its EMC Representative is selected.

**6. ANNUAL BUDGET & MONITORING**

- 6.1 The annual budget of EMC shall be determined before the start of the financial year commencing each 1<sup>st</sup> April at a meeting of the Executive Board prior to that meeting and in good time to make and publish recommendations; the management group shall meet with a view to making recommendations to the meeting of the Executive Board. EMC will have the power to scrutinise the budget at any time.

**7. MEETINGS OF EMC**

- 7.1 An Annual General Meeting (AGM) of EMC shall normally be held in July to appoint a Chair and Vice Chair; make appointments to EMC Groups and

external organisations, consider an Annual Report on the activities of EMC and transact any other business that EMC considers appropriate for its AGM.

7.2 Appointment of Chair

The Executive Board/EMC shall have a joint Chair appointed from within members of the Executive Board which will include the 4 Political Group Leaders of the following parties; Conservative, Independent, Labour and Liberal Democrat. Appointments shall normally be made at the AGM and last for approximately one year, but any vacancy that arises in either of these offices, after an AGM meeting, may be filled at any EMC meeting before the next AGM.

7.3 Appointment of Political Group Leaders

Appointments shall normally be made at the AGM and last for approximately one year, but any vacancy that arises in these offices, after an AGM meeting, may be filled at any EMC meeting before the next AGM. The Joint Chair shall not be a group leader.

7.4 Appointment of Secretary

A member of EMC secretariat shall be appointed to act as Secretary. The Secretary shall provide administrative support for EMC and its meetings, and be authorised to sign documents on its behalf.

7.5 Frequency of Meetings

- a) EMC shall meet at least twice during each year, including the AGM.
- b) Also, an Extraordinary General Meeting of EMC shall be convened on a minimum of 21 days notice following receipt by the Secretary of a request from not less than one-third of Member Organisations.

**8 EMC and other groups**

8.1 Subject to paragraph 8.3, EMC may establish such groups as it considers necessary. The purpose of these groups will be to consider specific issues or perform particular tasks. They may be established with a long term role or on an ad-hoc basis for a limited period.

8.2 EMC shall have power at any time:

- a) To add to, vary or alter the terms of reference of any of its constituent groups.

b) To disestablish any group or to merge it with any other to the extent which may appear desirable or appropriate.

8.3 The Executive Board has the right to determine the general principles of membership and operation which will be recorded in 'Guidance for Operation of Executive Board and East Midlands Councils'. The powers at paragraphs 8.1 and 8.2 of the EMC to establish, vary or dissolve groups and their Terms of Reference shall only be exercised by agreement with the Executive Board.

## **9 QUORUM**

9.1 The quorum for meetings of EMC is 25% of member representatives.

## **10. VOTING**

10.1 EMC shall normally operate on the basis of consensus. If required, voting at meetings of the Executive Board and all of its groups shall be by a show of hands and shall be by way of a simple majority. The Chair shall have the casting vote in the event of a tied vote.

10.2 All members of EMC shall have the opportunity to contribute to debates, subject to the provisions in the Meeting Procedure Rules and to the discretion of the Chair of the meeting exercised in accordance with those Rules.

## **11 AGENDA**

11.1 At least 21 days notice shall be given of meetings of EMC. Matters for inclusion on the Agenda and any reports or documents shall be sent to the Secretary at least 10 days before such meetings.

11.2 EMC shall set down arrangements for groups established by it in its guidance for operation.

## **12. TERMINATION OF MEMBERSHIP**

12.1 Any member authority wishing to terminate its membership shall give not less than twelve months' notice in writing to the Secretariat to expire on 31<sup>st</sup> March in any year.

12.2 Any member shall cease to be a member of EMC if, in the case of a local authority member s/he ceases to be an elected Councillor/Member or the local authority to which s/he has been elected ceases to be a member or fails to pay its subscriptions.

### **13. DISSOLUTION**

- 13.1 A motion for the dissolution of EMC must be considered at an Extraordinary Meeting and must be approved by three quarters of the members present and represented at the meeting.
- 13.2 Following agreement to the dissolution of EMC the Secretariat shall be responsible for disposing of the assets and liabilities of EMC between members in accordance with the provisions of paragraph 5.10.
- 13.3 Every effort will be made to ensure that staff displaced to a new body taking over the responsibilities of EMC shall either be assimilated into the new body or into member authorities on terms no less favourable than their current appointments, or have their appointment terminated in accordance with contractual arrangements.

### **14 ALTERATIONS TO THE CONSTITUTION**

- 14.1 Alterations to the Constitution shall only be made by EMC on a simple majority of members present, and are subject to Executive Board approval, save in the case of any amendment to the Appendix to this Constitution under paragraph 5.2 which shall be made solely by the Executive Board.

### **15. ATTENDANCE OF THE PUBLIC AT MEETINGS**

- 15.1 Meetings of EMC shall normally be open to the public, subject to the right of exclusion at the discretion of the Chair.