



The purpose of this paper is to invite Members to consider how the Town Council's relationship with and contributions to the Isle of Wight Association of Local Councils (IWALC) can be developed.

No. DETAIL

1) BACKGROUND

- a) With Town and Parish Councils increasingly becoming responsible for Assets and Services previously the responsibility of the Isle of Wight Council (IoWC) and all the Island's major public services – IoWC, the Island NHS Trust and the Clinical Commissioning Group – under serious financial pressures and facing major reorganisations from above, the need for effective collaborative working between Town and Parish Councils has never been greater.
- b) In spite of the good intentions of its Workshop on 18 March this year, is currently ill-equipped to provide the necessary framework it exists to provide.
- c) Responsibility for that lies with its Member Town and Parish Councils almost all of which have settled for the one-way relationship of receiving reports from their representatives without registering their concerns and proposals back through those representatives.
- d) The organisation's Constitution is attached to this Report and some of its clauses referred to in sections of this Report.

2) OBJECTIVES

- a) Section 2(b) is reproduced here in full as it covers all IWALC's major functions:
 - o *To promote the health, safety and wellbeing, both material and cultural of the people in its various communities.*
 - o *To attract and hold the interests of its citizens.*
 - o *To develop inherent strength to deal with, and work with all other tiers of local, regional and national government.*
 - o *To adapt itself to change in response to the needs of citizens in the local community.*
 - o *To protect, consolidate and develop the existing rights, privileges and functions of Local Councils.*
- b) A SWOT (Strengths, Weaknesses, Opportunities & Threats) Analysis against that background would produce some interesting results.
- c) The fact that it hadn't taken up the opportunity provided within the Isle of Wight Council's Constitution for it to have a representative on the Health & Wellbeing Board and had had no engagement with the My Life a Full Life programme are clear illustrations of failure to deliver on the first objective in the above list.
- d) When encouraged to take up the role it chose to retain the representative appointment to the Membership of its Executive specifically excluding nominations from its Member Councils and claiming the authority of the Constitution that in fact did not support that decision.
- e) At that point it was proposed to change the Constitution at the July AGM to ensure that all representatives were appointed from within the Executive, until it was pointed out to them that the procedure for changes to the Constitution set out in its Section 19 had not been followed, when it was withdrawn

3) STRUCTURE

- a) The organisation's Constitution was adopted on 16 June 2011 and it arguably due for revisiting in view of the developments summarised in 1(a) above – as well as increasing awareness of its provisions!
- b) On non-structural matters, for example, in addition to the failures to comply with it referred to above, the Constitution's Section 9 – Annual General Meeting – states that the AGM will be

held in June with 21 clear days' notice to each Member Council and receive among other items the Annual Report of the Executive Committee: this year's took place on 21 July, notice and papers were received by email on 14 July and an Annual Report from the Executive was neither listed nor received, being replaced, apparently, by a Report from the Chair(man).

- c) The concerns about structure centre on the extensive role and membership of the Executive as defined in sections 11, 12, 13, 14 and 15 of the Constitution.
 - d) Most third sector not-for-profit membership organisations (IWALC's description of its structure on its web site) have an Executive Committee of relatively small size, elected by its members to consist of a group of people selected for their expertise/experience across the range of areas for which the organisation is responsible and able to meet regularly.
 - e) As defined by the current Constitution, and in practice, IWALC is the Executive and the Executive is IWALC. It meets every two months with the AGM counting as one of the six meetings planned each year and consists of any and all of the representatives appointed by member Town and Parish Councils who happen to turn up, with a quorum of one-third.
 - f) It has the power to appoint sub-committees, but at this year's AGM decided to disband the only one – Finance and General Purposes – it had established.
 - g) The organisation has only one (very) part-time staff member (or servant or agent, as the Constitution has it!) to act as Secretary who, given the regularity and reliability of communications from her, is likely to be working in excess of paid hours.
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4) FINANCE

- a) IWALC is almost entirely dependent on Member contributions for its income with just an additional £450 coming last year from payments for training.
 - b) The accounts for 2015/16 show total receipts of £16,044 and payments of £18,253, £7,282 of which was the subscription to the National Association of Local Councils (NALC).
 - c) Although this represented a reduction in the closing balance of £2,210 over the year, the closing balance was £17,338.
 - d) Ventnor Town Council's contribution for the current year was £973.54.
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5) MEMBERSHIP

Five of the Island's 33 Town and Parish Councils are currently not in membership of IWALC: Shanklin, Bembridge (joined HALC), Calbourne, Chale and East Cowes.

6) SUMMARY

- a) The need for Island-wide collaborative and co-operative decision-making and allied action remains a critical need in the current context but, as currently structured and operating, IWALC is unable to provide an effective framework for it
 - b) Ventnor Town Council's relationship with IWALC is a positive one and this Report is absolutely not making the case for withdrawing from it.
 - c) However, Members do need to consider, as a matter of some urgency, how the Town Council can progress the concerns identified in this Report.
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Isle of Wight Association of Local Councils

CONSTITUTION

(Adopted 16th June 2011)

1. **NAME**

The Association shall be known as '**The Isle of Wight Association of Local Councils**', hereinafter to be referred to as '**The Association**'.

2. **OBJECTIVES**

The aims and objectives of the Association shall be consistent with the objectives of the National Association of Local Councils, hereinafter to be referred to as '**The National Association**', and in particular:

- a. To represent the interests of the first tier of statutory local government, comprising of Town and Parish Councils in the Isle of Wight, hereinafter called collectively '**Local Councils**'.
- b. 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.
 - To promote the health, safety and well being, both material and cultural of the people in its various communities.
 - To attract and hold the interests of its citizens.
 - To develop inherent strength to deal with, and work with all other tiers of local, regional and national government.
 - To adapt itself to change in response to the needs of citizens in the local community.
 - To protect, consolidate and develop the existing rights, privileges and functions of Local Councils.

3. **MEMBERSHIP AND GOVERNANCE**

- a. Membership of the National Association will be open to Local Councils through membership of the Association, hereinafter referred to as '**Member Councils**'.
- b. Subject to the provisions of the Constitution, the conduct and management of the affairs of the Association shall be by an Executive Committee comprised of representatives of each Member Council, hereinafter referred to as '**Member Representatives**'.
- c. The Executive Committee shall be accountable to Member Councils through an Annual General Meeting and Extraordinary General Meetings.

4. SUBSCRIPTIONS

- a. Each Member Council will pay to the Association an annual subscription, effective from 1st April, on or before 1st June. The annual subscription shall be based on the Member Council electorate at a scale to be set by the Executive Committee and advised to Member Councils by the preceding 1st December.
- b. The failure of a Member Council to pay the annual subscription by 1st June will result in the suspension of membership and the withdrawal of National Association and Association support and services. Membership will be re-instated upon receipt of the full annual subscription.

5. CONTRIBUTION TO THE NATIONAL ASSOCIATION

The Association shall pay to the National Association all subscriptions due in accordance with the National Association's Constitution.

6. PRESIDENT AND VICE PRESIDENTS

A President and Vice Presidents may be appointed by the Association at a General Meeting and to remain in office until the next Annual General Meeting but shall be eligible for immediate re-election. The term of office of a President or Vice President may only be terminated prematurely by a resolution passed at an Extraordinary General Meeting.

7. FINANCIAL MANAGEMENT

a. An Honorary Treasurer shall be appointed by the Association at the Annual General Meeting and shall remain in office until the following Annual General Meeting but shall be eligible for immediate re-election. A casual vacancy shall be filled by the Executive Committee. The Honorary Treasurer shall be a serving councillor with a member council. The Honorary Treasurer will be the Association's Responsible Financial Officer, and as such will be responsible for the proper administration of the Association's finances under the direction of the Executive Committee and of any sub committee appointed with responsibility for the Association's financial management. The Honorary Treasurer shall be an ex officio member of the Executive Committee and any sub committee with responsibility for the Association's financial management but shall not have a vote unless also serving as a voting representative of his/her council.

b. An Auditor shall be appointed at, and shall be entitled to attend the Annual General Meeting and shall remain in office until the following Annual General Meeting but shall be eligible for immediate re-election. A casual vacancy shall be filled by the Executive Committee. The Auditor may be a serving councillor but shall not be a member of the Executive Committee. The Auditor will be responsible for carrying out an annual audit of the Association's accounts and for reporting his/her findings to the Executive Committee and the Annual General Meeting. The Executive Committee shall be authorised to agree an appropriate fee for the Auditor's services.

8. GENERAL MEETINGS

- a. All Councillors from Member Councils shall be entitled to attend General Meetings.
- b. Clerks from Member Councils may also attend General Meetings but shall not have a vote on any resolution.
- c. The quorum of all General Meetings shall be Councillors representing one-third of Member Councils.
- d. The proceedings of any General Meeting shall not be invalidated because any person entitled to notice of the meeting has not received such notice.

9. ANNUAL GENERAL MEETING

- a. There shall be an Annual General Meeting of the Association, held in June on a day decided by the Executive Committee.
- b. Each Member Council shall be given not less than 21 clear days' notice of the date, time and place of the meeting and be given a copy of the annual report and accounts for the preceding financial year.
- c. The business of the Annual General meeting shall be:-
 - i. To appoint the Independent Accounts Examiner.
 - ii. To receive the Annual Report of the Executive Committee.
 - iii. To receive the Associations Accounts for the preceding year.
 - iv. To appoint representatives to outside organisations.
 - v. To receive such presentations relating to the Association as may be arranged by the Executive Committee.
 - vi. To consider such resolutions as may be proposed by the Executive Committee with not less than 21 clear days' notice.

10. EXTRAORDINARY GENERAL MEETINGS

- a. Extraordinary General Meetings, of which not less than 14 clear days' notice shall be given to each Member Council stating the subject matter of the meeting, may be called at any time by the Executive Committee or shall be called immediately after receipt of a requisition in writing signed by the proper officer of not less than 6 Member Councils.
- b. The subject matter notified to each Member Council will be the only subject matter that can be discussed and voted upon.

11. EXECUTIVE COMMITTEE

- a. There shall be an Executive Committee comprised of Member Representatives
- b. A Member Representative and a deputy may be nominated by a Member Council failing which, or in their absence, any other Councillor from a Member Council may act as the Member Representative for a particular meeting on a first-come-first served basis.
- c. The Quorum for Executive Committee Meetings shall be one third of Member Councils
- d. The proceedings of any Executive Committee Meeting shall not be invalidated because any person entitled to notice of the meeting has not received such notice.

12. CHAIRMAN AND VICE-CHAIRMAN

- a. The Executive Committee shall at its first meeting in each year after the Annual General Meeting appoint a Chairman and a Vice-Chairman.
- b. The Chairman and Vice-Chairman shall be eligible for re-election.
- c. The Chairman shall take the Chair whenever present and the Vice-Chairman shall perform the duties of the Chairman in the Chairman's absence. If at any meeting both the Chairman and Vice-Chairman are absent, the Executive Committee shall elect a chairman for that meeting from among their number.
- d. Removal of any of the officers can only be effected at the first meeting in each year or at an Extraordinary General Meeting.

13. SUB-COMMITTEES

The Executive Committee shall have the power to appoint or disband sub-committees and working parties from time to time as necessary. The quorum shall be one third of the appointees subject to a minimum of three.

14. EXECUTIVE COMMITTEE MEETINGS

- a. At the first meeting following the Annual General Meeting, the Executive Committee will agree a schedule of meetings for the forthcoming year to the date of the next Annual General Meeting, as it considers appropriate for the efficient conduct of its business.
- b. Each person entitled to receive the same, shall be given not less than 7 days' clear 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 considered.

15. FUNCTIONS OF THE EXECUTIVE COMMITTEE

- a. The Executive Committee will act and make decisions in the interests of the Association as a whole.
- b. Subject to the provisions of the constitution, the Executive Committee will provide for the conduct, management, control and administration of the affairs of the Association.
- c. The Executive Committee may take such steps, incur such expenditure, and acquire and dispose of property, enter into such commitments or arrangements and employ such servants or agents (including a Secretary and a Responsible Financial Officer) as are appropriate to implement the Association's policies.
- d. The Executive Committee shall control the banking and investment of the Association's funds.
- e. The Executive Committee shall prepare and keep under review the Financial Regulations for the efficient transaction of the Association's business.
- f. The Executive Committee shall present an annual report and submit the accounts of the Association to the Annual General Meeting.

16. VOTING

- a. At all Meetings voting shall be by a show of hands unless by a decision of that meeting
- b. Prior to any vote being taken, any voting representative of a Member Council may request that a recorded vote be taken, failing which the vote will be a simple count of hands.
- c. At General Meetings, Voting will be by the nominated Member Representative or deputy serving on the Executive Committee unless otherwise advised by the relevant Member Council.
- d. At all meetings, votes cast in accordance with the constitution shall be valid whether or not they correctly reflect the intentions of the relevant Member Council.
- e. At all meetings, each Member Council shall have no more than one vote on each resolution except that the Chairman of the meeting who shall have a casting vote in the event of an equality of votes.

17. EXPENSES OF REPRESENTATIVES AND MEMBERS

Subject to sufficient money being available for the purpose, the necessary travelling, subsistence and other incidental expenses of representatives or members attending conferences, seminars and meetings on behalf of the Association off the Island will be met from the funds of the Association.

18. RESIGNATION FROM MEMBERSHIP

- a. Any Member Council wishing to resign from the National Association from the end of financial year shall give notice to the Association on or before 31st December in any year and such notice shall become effective as from the succeeding 31st March.
- b. Notwithstanding this any Member Council who wishes to resign from any other effective date may do so by giving notice in writing to the Association with the understanding that fees paid for that year are non returnable.

19. ALTERATION OF THE CONSTITUTION

Alteration or amendment of this Constitution may be made by:-

- a. A recommendation by the Executive Committee confirmed by two-thirds of the votes cast at a general meeting, held next after the Executive Committee Meeting at which the recommendation was passed. or
- b. A motion passed by two-thirds of the votes at general meeting, provided that at least one calendar month's notice has been given in writing to the Association and that at least 21 days' notice has been given to all Member Councils.

No alteration to the Constitution shall be made which is inconsistent with the National Association's constitution, and all alterations shall be subject to the approval of the National Association.