

## **Extracts from LGA Constitution and political Conventions (as at Nov 05)**

### **A. Convention 5(ii) made under Article 4.4 of the Constitution**

#### **5. Representation on Outside Bodies and Delegations**

##### **(ii) Delegations**

The purpose of delegations from the LGA is to have the maximum effect in representing the interests of local government to other bodies. It will be important to balance the interests of effectiveness (which will often imply small, tightly focused delegations) and representativeness which implies larger numbers. The Chairman or the Chair of the relevant Board in consultation with officers, will agree the most appropriate structure, and representation, for the meeting. Where small delegations are preferred, the Association will not necessarily be represented by the Chair and / or office holders of the body concerned, and political balance will not be an overriding factor in deciding representation. Members nominated to represent the Association will recognise their responsibility to represent the views of the LGA as a whole. As a general rule, every effort will be made to have politically balanced delegations where larger numbers are appropriate for formal meetings which the Association has with Ministers and other organisations. In any event, the relevant Board or Panel will be informed of the meeting and advised of the composition of the delegation. They will receive copies of briefing and feedback from the meeting. It is recognised that there will be private, informal or party political meetings where it is inappropriate to have politically balanced delegations, and they may be briefed or attended by non-political staff for technical support.

### **B. Articles 23 and 24 of the Constitution**

#### **23.0 Resignation of Member Councils**

- 23.1 Any member authority of the Association wishing to terminate its membership shall give not less than twelve months' notice, in writing, to the Chief Executive to expire on 31 March in any year.

23.2 Any member authority shall, upon ceasing to be a member of the Association, forfeit all right to and claims upon the Association and its property and funds, and, without prejudice to Article 24, shall pay such amount representing the authority's share of responsibility towards liabilities incurred by the Association on behalf of member authorities, including the employment and superannuation of staff, during the currency of the authority's membership, such share to be calculated having regard to the proportion which the subscription paid by that authority bears to the total subscription of the Association.

## **24.0 Dissolution**

24.1 If at any meeting of the General Assembly a motion for the dissolution of the Association shall be passed by at least two-thirds of members from full member authorities present with at least two-thirds of such authorities represented at the meeting, the LGA Executive shall thereupon proceed to realise the property of the Association and make arrangements whereby the member authorities shall discharge the Association's net liabilities including the liability for the payment of compensation to staff on terms no less favourable than would be required to be paid to serving local government officers. Member authorities shall comply with such arrangements.

24.2 On the completion of such arrangements, the remaining assets of the Association (if any) shall be distributed to member authorities in membership at the time of dissolution on a basis which reflects their different periods of membership of the Association and their different rates of subscription. The Association shall thereupon be dissolved.

24.3 In the event that the Association's property should prove to be insufficient to discharge its liabilities member authorities shall contribute such additional sum as is required to eliminate the deficiency.

24.4 Authorities in membership at the date of the passing of the motion referred to in Article 24.1, together with those authorities which ceased to be members in the period of two years ending with the date of the passing of the resolution, shall contribute towards any deficiency in the proportion to which their subscription payable in the month of April immediately preceding the passing of the resolution (or in the case of an authority which has ceased to be a member at the date of the passing of the resolution the last subscription which the member paid) bears to the aggregate subscriptions paid by authorities liable to contribute to the deficiency of

assets, provided that in the case of an authority which has ceased to be a member any payment made under Article 23.2 shall be taken into account in assessing contributions required both from that authority and from other authorities.

- 24.5 In the event of a dispute between a member or former member authority and the Association as to the amount which an authority should contribute or receive under this rule the matter shall be referred to arbitration.
- 24.6 The arbitration shall be conducted in accordance with the Arbitration Rules of the Chartered Institute of Arbitrators and the Arbitrator shall be asked to determine the extent to which an authority or authorities should contribute in the light of Article 24.4 and to determine the matter in accordance with what is fair in all the circumstances. In the event that the Arbitrator issues a determination providing that a member or former member authority is liable to contribute a specified sum under this Rule the authority shall pay the monies which the Arbitrator determines it ought to pay within seven days of the issue of the award. The Arbitrator shall be appointed by agreement of a majority of member authorities or in default of such agreement by the President for the time being of the Law Society.
- 24.7 The provisions set out in Articles 24.1–24.6 do not apply where dissolution is effected for the purpose of reconstitution or merger.