

Local Government Association Independent Group

CONSTITUTION

[Last amended July 2021]

THE INDEPENDENT GROUP OF COUNCILLORS OF THE LOCAL GOVERNMENT ASSOCIATION (LGA) OF ENGLAND AND WALES

1. Name of Group

- 1.1 The name of the Group shall be the Independent Group (“the Independent Group”) of Councillors, which is a recognised group of the Local Government Association (“the LGA”) of England and Wales.

2. Aims and Objectives

- 2.1 The Independent Group has no intention of instructing Independent Group Councillors what to do or say, but if Independent Group Councillors are to make an impact they must work together, not only to ensure full participation and representation within regions and the LGA but also to help their colleagues and the people they represent.

3. Principles and Conduct

- 3.1 All members shall conduct themselves in line with the values of the LGA Independent Group, the Bell Principles and the Nolan Principles of Public Life (Appendix 1).
- 3.2 LGA Independent Group Members are proactive in promoting positive commitment to equality and diversity.
- 3.3 At all Local Government Association and Independent Group meetings, Members shall declare interests in full compliance with the current Code of Local Government Conduct.
- 3.4. All Members shall be requested to conform to the principles and practice of the Independent Group at all times. Where this is not the case, the Group Executive reserves the right to suspend Group support.

4. Membership of the Independent Group

- 4.1 Any elected member of a Local Authority in England and Wales in membership of the LGA who do not have their own Group Office, shall be eligible to become a Member of the Independent Group.
- 4.2 The decision to exclude a constituent group or party from the LGA Independent Group will not be taken lightly.
- 4.3 Any proposal of exclusion needs, in the first instance to be made in writing to the Executive Committee, based on the principles and standards listed in Appendix 1.

- 4.4 For an individual to be excluded, a decision of the Independent Group Executive Committee will be final.
- 4.5 For a Group or Party to be excluded, a vote of the whole membership must be held.
- 4.6 The Group Executive will have the final say if and when to call such a ballot of the Independent Group membership and will appoint a Returning Officer. It must receive a majority result based on a turnout of at least 30% of the Group's full membership as of the date when the notice of the election is published.
- 4.7 A person or Group ceasing to be a Member of the Independent Group shall no longer have any rights or interest in the property and funds of the Independent Group.
- 4.8 A Member excluded from the Independent Group shall be removed from any LGA positions they hold on behalf of the Independent Group, including membership of the LGA Executive.
- 4.9 Suspension from the LGA Independent Group does not mean suspension from the LGA.
4. 10 The Independent Group Executive is required to review membership on an annual basis in the lead up to the Independent Group AGM.

5. Elected Office Holders

- 5.1 The Independent Group shall elect Independent Group Office holders, shortly before the Group's Annual General Meeting.
- 5.2 The Members of the Independent Group shall appoint the following Independent Group Office holders namely:
- Leader
 - Deputy Leader
 - Treasurer
- 5.3 The said Office Holders shall normally be elected for a two-year term, apart from in the case of a by-election, or other exceptional circumstance, where the term will be stipulated, to allow Group elections to be realigned.
- 5.4 The said Office Holders can serve a maximum of three two year terms, after which the incumbent must stand down for a minimum of two years.
- 5.5 The Leader, Deputy Leader and Treasurer will take up their positions immediately after election results are announced at the Independent Group Annual General Meeting.
- 5.6 The Leader, Deputy Leader and Treasurer of the Independent Group shall be Members of all sub-committees of the Executive Committee.
- 5.7 The Independent Group Leader will be responsible for the general co-ordination of the Independent Group activity in conjunction with the Executive Committee. They will be the spokesperson for the Independent Group as a whole and for liaison with the other political groups.

- 5.8 The Deputy Independent Group Leader will undertake all the duties of the Independent Group Leader in their absence and will be responsible with the Independent Group Leader for strategy and co-ordination.
- 5.9 In exceptional circumstances, members of the LGA Independent Group Executive Committee may be asked to temporarily deputise for an elected office holder.
- 5.10 Election of Office shall be conducted in accordance with the election procedures adopted by the Independent Group (see Appendix 2)
- 5.10.1. The Returning Officer appointed by the Independent Group Executive Committee shall draw up a timetable as necessary for the receipt of nominations, dispatch and return of ballot papers and the counting of the votes for each election covered by these procedures.
- 5.10.2. In the event of there being more than one nomination for any of the positions available, a ballot will be held.
- 5.10.3. Results of the election will be announced at the Independent Group's Annual General Meeting.

6. Annual General Meeting

- 6.1 All Members of the Independent Group, subject to Clause 4, shall be entitled to attend any General Meeting of the Independent Group.
- 6.2 The Annual General Meeting of the Independent Group shall ordinarily be held prior to the LGA Assembly and Conference each year. The procedures governing the AGM are detailed in Appendix 3.

7. The Independent Group Executive Committee

- 7.1 The Independent Group Executive Committee shall be the governing body of the LGA Independent Group.
- 7.2 The Leader of the LGA Independent Group shall be the Chair of the Executive Committee, which, in addition to the elected Office Holders, will consist of Independent Group Members from each Region, also serving on the Councillors Forum of the LGA.
- 7.3 There will be no Substitutes on the Executive Committee.
- 7.4 In addition to the said Office holders, the membership of the Executive must demonstrate a good balance of gender, political affiliation, geography and council type. This is to be ensured over time, to reflect the fact that there may not be enough places available for representation to be balanced every year.
- 7.5 The Independent Group Executive Committee shall be empowered to consider and deal with all matters affecting the LGA Independent Group including its membership and the conduct of representatives, especially those on LGA Boards, Panels, Commissions and Task Groups appointed by the Group Office Holders.
- 7.6 The Independent Group Executive Committee shall meet on each occasion that the LGA Councillors Forum meets. Additional meetings may be called at the discretion of the Chair.

- 7.7 Any Member may place an item on the agenda for an Independent Group Executive Committee meeting by notifying the Head of the Independent Group Office of the item at least 10 working days before the meeting.
- 7.8 Independent Group Members may attend meetings of the Independent Group Executive Committee as an observer at their own expense with advance permission from the Independent Group Executive Chair but may not be present during discussion of confidential items.
- 7.9 All votes taken at Independent Group Executive Committee meetings shall be on the basis of one vote for each Member of the Executive Committee present.
- 7.10 In the event of an equal number of votes cast, the Chair of the meeting has a casting vote in addition to any vote they may already have.
- 7.11 The Elected Office Holders are able to co-opt additional members who will be appointed annually.
- 7.12 Co-opted members have equal voting rights to other committee members.

8. Independent Group Appointments

- 8.1 Following the Independent Group Annual General Meeting, the Office Holders shall appoint members to the various LGA Boards, panels and Task Groups. They will also appoint Regional Chairs, the National Lead Peer and Regional Lead Peers.
- 8.2 All members of the Independent Group are invited to express their interest in the roles available and due consideration will be given to the applicants experience and interest while also adhering to the balance set out in 7.4.
- 8.3 These appointments will be endorsed by the whole of the Group Executive Committee.
- 8.4 All appointments made by the Independent Group Office will be made for a period of 12 months and reviewed annually. Members may serve for no longer than four years as a Regional Chair, Executive Member or as a Lead Member on any one Board, Panel, Commission or Task Group. Appointments to EU bodies are for a maximum of five years. In exceptional circumstances terms may be extended for a fixed period to ensure continuity.
 - 8.4.1. Post holders may not re-apply for the same post for two years following the end of their term, however may apply for different posts in the Independent Group and LGA structures.
- 8.5 Members appointed to LGA Member Structures will hold their positions from 1 September to 31 August each year.
- 8.6 Appointments are open to all Independent Group Members who must be Independent Group Councillors on authorities in membership of the LGA. Should an authority leave the membership of the LGA then any member in receipt of an appointment through the Independent Group shall be removed from that role immediately.
- 8.7 Some roles are subject to specific requirements as set out in the relevant body's

constitution or other such guidance. Councillors appointed to LGA Boards, Panels, Commissions and Task Groups, or outside bodies, agree to adhere to the Principles and protocols applicable to all appointments made.

8.8 Any Independent Group representative not attending two meetings of their committee in one calendar year without good cause will be assumed to have resigned, and therefore will be replaced. For Peers the same rule applies in regards to two peer logs not submitted.

8.9 If a Lead Member loses an election during the course of the year and therefore ceases to be a councillor, their place on the Board et al will be temporarily appointed to another Member or Substitute on the Board for the remaining duration of that year.

9. Special General Meeting

9.1 A Special General Meeting of the Independent Group may be called at any time by the Leader of the Independent Group or by not less than ten Members in more than one region of the Independent Group acting together having sent a written request to the LGA Independent Group Leader to convene such a meeting. The Leader of the Independent Group shall then authorise the holding of a Special General Meeting within 28 days of the receipt of such request.

9.2 The Leader and Deputy Leader acting together shall be entitled to call a special Independent Group General Meeting in the event of an emergency, giving such notice as they deem sufficient in the circumstances.

10. Quorum

10.1 The quorum of the Independent Group General Meeting shall be not less than twenty and at meetings of the Independent Group Executive Committee the quorum shall be a third.

11. Interpretation

11.1 The Independent Group Executive Committee is hereby given the power to interpret the conditions of this Constitution in the event of any ambiguity or conflict arising and their decision shall be final after due consideration of the issues arising.

11.2 A General Meeting of the Independent Group shall have the power to alter or amend the conditions of this Constitution by vote in favour of such a resolution passed by at least two-thirds of those present and voting at the meeting. All Members of the Independent Group shall be given at least 7 working days' notice of any resolution to effect such an alteration or amendment.

Appendix 1

The Independent Group promotes and embodies the following values:

Integrity

- Representing our members and being accountable
- Striving to earn and sustain a high level of trust from our membership and residents we represent

Challenge

- Be the voice of local communities and residents, without a party whip
- Provide a strong focus on scrutiny and accountability for fair decisions
- Challenge the establishment through our focus on real issues, not politics

Collaboration

- Respect, value and celebrate the differences of our membership and commit to treating all members with equality, dignity and respect
- Working together to achieve the best outcomes for the Independent Group, the membership and local residents

Responsiveness

- Engage and communicate with our members to address their needs
- Ensure our relevance by being flexible and adaptable to changing needs and priorities
- Demonstrate innovation and creativity in the delivery of projects, development opportunities and representation

The Principles of Public Life, based on those written by Lord Nolan, upon which members are expected to conduct themselves are:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership
8. Respect

The LGA Independent Group also expect members to abide by the Bell Principles, namely:

- abide wholeheartedly by the spirit and letter of the Seven Principles of Public Life set out by Lord Nolan in 1995: *selflessness, integrity, objectivity, accountability, openness, honesty and leadership*
- be guided by considered evidence, our real world experience and expertise, our constituencies and our consciences

- be free from the control of any pressure group or whip
- be non-discriminatory, ethical and committed to pluralism.
- make decisions transparently and openly at every stage and level of the political process, enabling people to see how decisions are made and the evidence on which they are based
- listen, consulting our communities constantly and innovatively
- treat political opponents with courtesy and respect, challenging them when we believe they are wrong, and agreeing with them when we believe they are right
- resist abuses of power and patronage and promote democracy at every level
- work with other elected Independents as a Group, with a chosen spokesperson
- claim expenses, salaries and compensation openly so the public can judge the value for money of our activities.

Appendix 2

PROCEDURES FOR THE ELECTION OF INDEPENDENT GROUP MEMBERS TO THE LGA INDEPENDENT GROUP EXECUTIVE

1. Cycle of Elections

1.1 The LGA Independent Group shall elect on a cycle of elections occurring every other year:

- One Group Leader
- One Deputy Group Leader
- One Group Treasurer

1.2 Should any of the elected positions become vacant, there will be an election at the earliest opportunity. If the Independent Group Leader's position were to become vacant, the Deputy Leader will fulfil the duties until such an election can take place.

1.3 The existing office holders will be able to continue their roles as usual during the election period.

2. Returning Officer and Responsibilities

2.1 The Independent Group Executive Committee will appoint a senior officer from the Local Government Association as the Returning Officer. They will be responsible for ensuring the integrity of the ballot and for administering the poll effectively.

2.2 The Returning Officer shall draw up a timetable as necessary for the receipt of nominations, despatch and return of ballot papers and the counting of the votes for each election covered by this constitution. This timetable will clearly set out date of the notice of election from which all election rules guideline will apply.

2.3 All queries relating to the Election process must be directed to the Returning Officer.

2.4 Any breaches of the election process / guidance will be dealt with by the Returning Officer, following receipt of expert or legal advice as required.

2.5 The decision of the Returning Officer will be final.

3. Administering the Poll

3.1 Where possible the group election will be completed outside of the period of any local election.

3.2 Official Notice of Election shall be given in the LGA official magazine FIRST and via the Group website. This should mark the start of the nomination period, with guidance and nomination papers being made available to members.

3.3 Nominations shall be accepted by the Returning Officer from that date until the date of close of nominations, which will be at least 28 working days before the LGA Independent Group AGM that year. There will be a 24 hour period during which candidates can withdraw from the election following the close of nominations.

- 3.4 Should the local elections be held otherwise than on the first Thursday in May, or in other exceptional circumstances, the Group Executive shall have power to amend the timetable set out above in 3.3.
- 3.5 Statement of Persons Nominated shall be published shortly after the close of the withdrawal period.
- 3.6 In the event of there being more than one nomination for a position, a ballot will be held.
- 3.7 All contested elections shall be conducted by secret ballot.

4. Standing for election

4.1 Eligibility and requirements of nomination

- 4.1.1 For Group Leader, Deputy Group Leader and Treasurer: An Independent Group Councillor on an authority in membership of the LGA is eligible to stand provided they have three nominations from councillors who are Independent Group Councillors on authorities in membership of the LGA and who must sit on separate authorities.
- 4.1.2 Nominations must be accompanied by the written consent of the candidate. Any individual can only nominate one candidate. Candidates standing for election to a post cannot nominate another candidate wishing to stand for the same post.
- 4.1.3 Each candidate shall be entitled to submit a personal statement of not more than two sides of an A4 sheet to be shared with all councillors eligible to vote in Group elections. This must reach the Returning Officer at an address and by a date to be notified and in a good enough condition to be reproduced if required.
- 4.1.4 The Independent Group Office staff or the Returning Officer or any other persons engaged in the work of the LGA must not be asked to assist in the creation of personal statements by Members.

4.2 Multiple nominations

- 4.2.1 Candidates may consent to more than one nomination. In such cases, a candidate will be required to advise the Returning Officer, in writing, prior to the despatch of ballot papers, which post they would like to fill should they be successful in winning more than one post, and if they are nominated for all three Office Holder posts, they must advise the Returning Officer, in writing, prior to the despatch of ballot papers, of their order of preference ("the declared post").
- 4.2.2 In situations where Clause 4.2.1 above applies, a candidate who is successful in winning more than one post will take up the declared post and the candidate with the second highest number of votes for the other post(s) shall be elected to the other post(s).

5. Voting franchise and the running of the ballot

- 5.1 Every Independent Group Member whose authority is in membership of the LGA will be eligible to vote and will be ineligible to vote if their respective authorities are not in membership of the LGA.
- 5.2 All Members entitled to vote will automatically receive a ballot paper.
- 5.3 The names and local authorities of nominees for all elected posts will be made known on the ballot papers.

6. Campaigning

- 6.1 No candidate may incur further expenses on campaigning at any time after the notice of election is published, nor may they, or any 3rd party on their behalf, contact or send any additional material to electors, relating to the election, by any means.
- 6.2 No LGA resources, including officer time and office facilities, should be used to support any campaigning by candidates.
- 6.3 Lists of names and addresses of Independent Group Members shall not be released for the purposes of the election.
- 6.4 During the election period all group business will be communicated to members via Independent Group Officers, including all think tank activity and updates otherwise made by the Group's Leadership.

Appendix 3

Annual General Meeting Procedure

- 1.1 All Members of the Independent Group, subject to Clause 4 of the LGA Independent Group Constitution, shall be entitled to attend any General Meeting of the Independent Group.
- 1.2 The Annual General Meeting of the Independent Group shall ordinarily be held prior to the LGA Assembly and Conference each year for the following purposes, namely:
 - a) To receive and adopt the audited accounts (if any) of the Independent Group for the previous financial year.
 - b) To receive the Group's annual report
 - c) To declare the result of any election held
 - d) To elect as required, honorary Vice Presidents
 - e) To appoint auditors, if necessary.
 - f) To transact any other business in advance of the LGA Annual General Assembly and Conference.
- 1.3 Notice of the Independent Group Annual General Meeting and any other General Meeting shall be given in writing at least 21 days before the date of the meeting.
- 1.4 Members submitting Notices of Motion to the Independent Group Annual General Meeting must do so 14 days in advance of the meeting. If taken forward to the AGM, the member bringing the motion must be able to attend the Independent Group Annual General Meeting in person to speak to the motion, or send a nominated Independent Group Member as a substitute to speak to the motion on their behalf.
- 1.5 Members are expected to discuss with the Independent Group Office and appropriate Executive Member, Board, Panel, Commission or Task Group Spokesperson any procedures and timescales for Notices of Motion before submitting them.
- 1.6 The Independent Group Executive will review all motions received and may submit a Notice of Motion inside of the 14 day deadline in situations that it deems an emergency.
- 1.7 Certain motions will arise that will need a decision beyond the AGM or any Special Meeting convened. In such cases, the Independent Group Executive will have the final decision on whether or not to hold a ballot at the meeting, whether further work is required on a motion in advance of holding a ballot and whether a ballot of the full membership is necessary.
- 1.8 All votes taken at Independent Group meetings shall be on the basis of one vote for

each Member of the Independent Group present. Not all votes are binding, this will be made clear by the Group Leader and/or meeting Chair prior to a vote taking place.

- 1.9 Any Member may place an item on the agenda for the Independent Group Annual General Meeting by notifying the Independent Group Office of the item at least 14 days before the meeting.