



## **RULES OF THE SOUTH EAST EMPLOYERS**

### **1. TITLE OF THE ORGANISATION**

The Organisation shall be known as the South East Employers (hereafter referred to as the Organisation) and it shall act through and be controlled by Representatives, appointed by its Members, in accordance with Rule 7.

### **2. ADDRESS**

The principal address, for the time being, of the Organisation is:-

**South East Employers  
The Guildhall  
High Street  
Winchester  
SO23 9GH  
[www.seemp.co.uk](http://www.seemp.co.uk)**

### **3. AREA OF THE ORGANISATION**

The geographical area covered by the Organisation shall extend to the administrative counties of Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Oxfordshire, Surrey and West Sussex.

### **4. PRINCIPAL PURPOSES OF THE ORGANISATION**

The principal purposes of the Organisation will be:-

- (a) To be an active and influential Employers' Organisation for Local Government in the South/South East of England.
- (b) To represent the views of Authorities, to the Local Government Association and its Agencies and other relevant bodies, and fulfil work on behalf of the Agencies.
- (c) To develop contracts and links with the regional local authority groups, Regional CBI, Chambers of Commerce and the Skills Funding Agency and any successor organisations.
- (d) To promote, encourage, and support best practice in personnel and management development.

- (e) To make available personnel, management and training services for the benefit of Members of the Organisation.
- (f) To respond to initiatives on consultancy work.
- (g) To provide the Employers' Side for the South East Regional Council.

## 5. INCIDENTAL POWERS AND DUTIES

To assist the Organisation in carrying out its principal purposes as set out in the preceding Rule it shall:-

- (a) obtain, collate and disseminate information to Members regarding both local government and general conditions of service and employment.
- (b) enter into agreements with the appropriate Employees Associations within the area.
- (c) provide, at the request of any Member or Members of the Organisation, information and advice concerning conditions of service and other matters.
- (d) co-ordinate the activities and functions of Members of the Organisation regarding rates of pay and conditions of employment of their employees.
- (e) take appropriate action on decisions of the National Employers Organisation where desired in furtherance of the purpose of the Organisation.

## 6. MEMBERSHIP OF THE ORGANISATION

There shall be two categories of Membership of the organisation:-

**Full Membership** - Those County Councils, Unitary Councils and District Councils situated or operating within the area of the Organisation shall be eligible for Full Membership.

**Associate Membership** - Those Parish, Town and Community Councils, together with such other bodies which employ staff whose pay and/or conditions of service are the same as, or similar to, Local Government employees shall be eligible for Associate Membership.

Any full or Associate Member of the Organisation may cease to be so, on giving at least 12 months notice to the Regional Director, to expire on 31 March in any year.

## 7. REPRESENTATION

- (a) Each Full Member of the Organisation shall be entitled to appoint Representatives to the Organisation in accordance with paragraph (b) of this rule.

- (b) Entitlement to representation shall be as follows:-
- (i) Each County Council member .....3 Representatives
  - (ii) Each Unitary Council member with a population of 200,000 or more .....3 Representatives
  - (iii) Each Unitary Council member with a population of less than 200,000 .....2 Representatives
  - (iv) Each District Council member with a population of 150,000 or more .....2 Representatives
  - (v) Each District Council member with a population of less than 150,000 .....1 Representative
- (c) For the purpose of paragraph (b) of this Rule, the population of a District or Unitary Council shall be the latest estimate of its population as determined by the Registrar General.
- (d) Representatives shall retire on the day of the Annual General Meeting of the Organisation but, subject to their continuing eligibility in accordance with the Rules of the Organisation, may be re-appointed as Representatives.
- (e) The failure of any Member of the Organisation to appoint a Representative, or, where that Member is entitled to appoint more than one Representative, to appoint the full number of Representatives to which it is entitled, shall not vitiate any decisions taken at that time by the Organisation.
- (f) No person shall continue in the capacity of representative after he/she has ceased to be a Member of the authority which appointed him/her.

## **8. CASUAL VACANCIES - APPOINTMENT OF NEW REPRESENTATIVES**

On the occurrence of a casual vacancy in the Representation of any Member, a new Representative shall be appointed by that Member for the balance of the period for which his/her predecessor was appointed.

## **9. SUBSTITUTES FOR REPRESENTATIVES**

Members entitled to appoint Representatives in accordance with Rule 7 may appoint a substitute or substitutes for those representatives. A substitute may attend meetings of the Organisation but shall not, unless he/she is attending in place of the Representative for whom he/she is a substitute, take part in discussing any item considered at the meeting or vote thereon. A substitute shall not be permitted to attend meetings of Committees or Sub-Committees.

## 10. CHAIRMAN AND VICE-CHAIRMEN

- (a) On the day of the Annual General Meeting (AGM) of the Organisation, Representatives will meet in their party political groups prior to the AGM, and each of the political party groups shall appoint from amongst their membership one member to hold office as a Vice Chairman of South East Employers for the forthcoming constitutional year. For the purposes of this rule, Representatives who are not affiliated to one of the main political parties (i.e. Conservative, Labour or Liberal Democrat) shall also meet as a group (to be known as the Independent group), and will also appoint a member from amongst the group to hold office as a Vice-Chairman subject to total number of Representatives in any group being not less than 10% of the total representation.

At the AGM, it will be open to any of the groups to nominate the Vice-Chairman they have appointed for election to the office of Chairman of South East Employers for the forthcoming constitutional year.

If two nominations are received, a vote will be taken, and the candidate receiving the larger number of votes shall be duly elected as Chairman of the Organisation. If more than two nominations are received, a vote will be taken, and each person entitled to vote will indicate their first and second preference for appointment as Chairman. If, following the vote, one candidate receives more than 50% of the total vote cast, they will be declared elected as Chairman of the Organisation. If no candidate has received more than 50 % of the votes cast, the votes for the candidate receiving the lowest number of votes will be redistributed to the other candidates according to the second preference indicated by those voting.

This redistribution process will be repeated if necessary, until one candidate obtains more than 50% of the total votes cast, whereupon that candidate will be declared elected as Chairman of the Organisation.

Only full Representatives (or, if they are absent their substitute) present at the meeting will be entitled to vote.

Vice Chairmen who are not nominated or elected for Chairmanship of the organisation shall then be formally appointed as Vice Chairmen of the Organisation for the following constitutional year.

- (b) The Chairman or Vice-Chairmen shall cease to hold office should they at any time during their period of office cease to be eligible to continue as a Representative of their Member Authority.
- (c) The Chairman and/or Vice-Chairmen may be removed from office by a resolution approved by a majority of the Representatives present and voting at the meeting at which the resolution is moved.
- (d) The Chairman of the organisation shall have no delegated authority to take decisions on behalf of the organisation, other than where a full meeting of South East Employers or one of its Committee has approved a specific delegation. Otherwise, urgent matters will be dealt with by the Chairman and Vice-Chairmen acting together.
- (e) The Chairman and Vice-Chairmen shall have the right to decide how they are addressed when officiating at meetings and acting in an official capacity.

## 11. MEETINGS OF THE ORGANISATION

- (a) The Annual General Meeting of the Organisation shall be held each year during the months of June or July. Ordinary meetings shall be held as often as is necessary to transact effectively the business of the Organisation.
- (b) A Notice of Meeting setting out the business to be transacted thereat shall be sent to Representatives at least **one week** before the date of any meeting of the Organisation.
- (c) In the absence of the Chairman at any meeting of the Organisation, one of the Vice-Chairmen shall preside at the meeting and in the absence of both Chairman and Vice-Chairmen the Representatives present shall appoint one of their number to preside at that meeting.
- (d) The Chairman and Regional Director may elect to have a scheduled or special meeting undertaken on a virtual basis (to include e-mail decision-making and/or telephone or video conferencing/voting). Virtual meetings will be undertaken only where it is necessary to ensure that key items of business are considered and decisions taken in circumstances where consideration at a normal Ordinary or Special Meeting is impractical. The process and result for any such vote shall recorded.

## 12. SPECIAL MEETINGS

The Chairman may at any time, and shall if so requested by a requisition signed by Representatives from eight Member Authorities, call a special meeting of the Organisation. Any such requisition and notice convening the meeting shall state the nature of the business to be transacted thereat. The special meeting requisition by these Representatives shall be called within 14 days of the requisition being received at the offices of the Organisation. In the absence of the Chairman for any reason the appropriate action shall be taken by the Regional Director of the Organisation upon receipt of a valid requisition.

## 13. EXECUTIVE COMMITTEE

At each Annual General Meeting, the Representatives appointed under Rule 7 shall elect from their numbers an Executive Committee, consisting of 9 persons. The Chairman and Vice-Chairmen of the Organisation (appointed under Rule 10) shall also be *ex officio* members of the Executive Committee with full voting rights.

The Executive Committee shall also appoint from among their numbers the Employers' Side of the Regional Joint Committee which shall comprise 9 persons which shall include the Chairman of the organisation. ***The Regional Joint Committee shall only be convened if and when required.***

The Executive and Regional Joint Committees shall serve for one year, but members will be eligible for re-election.

#### 14. APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

- (a) In addition to the Committees established under Rule 13, the Organisation may appoint such other Committees and Sub-Committees as it considers necessary and may delegate to such Committees or Sub-Committees full power to exercise any of its functions except the power to determine the annual levy on its Members.
- (b) A Committee or Sub-Committee of the Organisation may co-opt appropriate persons to service, as additional members of the Committee or Sub-Committee, provided that:-
  - (i) The number of persons to be co-opted shall not exceed one-third of the number of Representatives of the Organisation serving on the Committee or Sub-Committee.
  - (ii) Co-opted members may take part in discussing any items of business being considered by the Committee or Sub-Committee but shall not be entitled to vote thereon.

#### 15. VOTING AT MEETINGS

Voting at meetings of the Organisation, its Committees and Sub-Committees, shall be by a show of hands or by such other method as the Organisation, Committees or Sub-Committees as the case may be shall determine. A motion, including any proposal to amend the Rules in accordance with Rule 22, shall be deemed to be carried if it has been approved by a majority of the Representatives present and voting thereon. In the event of equality of voting the Chairman (or Vice-Chairman in his/her absence) shall have the casting vote.

Substitutes shall not vote unless they are there in the place of the nominated Representative of the Member Authority.

Voting at virtual meetings will follow the same approach as other meetings except that voting may be recorded electronically or by roll- call rather than by a show of hands. A record of the votes will be retained.

The outcome of any such decision will be minuted and reported at the next appropriate meeting of the Organisation, Committee or Sub- Committee.

#### 16. QUORUM

A quorum of any meeting of the Organisation shall be one quarter of the Councils that have nominated Representatives. At meetings of the Committees and Sub-Committees of the Organisation a quorum shall be one quarter of the number of the Councils that have nominated Representatives to serve on that Committee or Sub-Committee.

**This rule will also apply to meetings held virtually (including those undertaken through e mail correspondence).**

## **17. APPOINTMENT OF OFFICERS**

The Organisation shall appoint:-

- (a) a Regional Director for such period and on such terms as it considers appropriate.
- (b) at its Annual General Meeting, a Treasurer who shall be eligible for re-appointment.
- (c) such other staff as are deemed necessary for the effective performance of its functions.

## **18. FINANCE**

- (a) The Organisation will be funded by:-
  - (i) levies from Member Authorities
  - (ii) levies from Associate Members
  - (iii) income generated from Consultancy and Training Services
  - (iv) borrowing, if necessary, as provided by Rule 20.
- (b) The Organisation's financial year shall commence on April 1st and end on March 31st of the following year.
- (c) Prior to the commencement of each financial year, the Treasurer shall submit to the Organisation estimates of income and expenditure for that financial year.
- (d) After considering those estimates, and amending them as the Organisation considers appropriate, the Organisation shall determine the levy payable by individual Members in respect of that year and the manner and dates by which such levy shall be paid.
- (e) No expenditure shall be incurred by the Organisation except in accordance with:-
  - (i) the approved annual estimates,  
or
  - (ii) a supplementary estimate approved by the Organisation,  
or
  - (iii) on the authority of the Chairman of the Organisation - or in his absence on the authority of the person authorised to act as Chairman - provided that full details of any expenditure so authorised shall be reported to the next meeting of the Organisation.

## **19. ACCOUNTS AND AUDIT**

- (a) The accounts of the Organisation for each financial year shall be balanced and completed by the Treasurer as soon as practicable after the end of the financial year, and in any case not later than 31 July following the end of that financial year.
- (b) On completion, the accounts shall be audited by an Auditor or Auditors appointed annually by the Organisation for this purpose in accordance with the provisions of Part 1 of the Second Schedule to the Trade Union and Labour Relations Act 1974.
- (c) The Auditor or Auditors may be removed from office by a resolution of the Organisation passed in accordance with Part 1 of the second Schedule to the Trade Union and Labour Relations Act 1974.

- (d) Copies of the audited accounts shall be sent to all Members of the Organisation and shall be presented by the Treasurer to the next meeting of the Organisation following the completion of the audit.

## **20. POWER TO BORROW**

The Organisation shall have power to borrow, if and when necessary, for the purpose of undertaking its services to Local Authorities, such borrowing to be secured on all or any of the assets of the Organisation including a legal mortgage over any property owned by the Organisation.

## **21. PROPERTY OF THE ORGANISATION**

All property belonging to the Organisation shall vest in Trustees who shall hold that property in trust for the Organisation. The Trustees shall be the Chairman, the Regional Director and the Treasurer for the time being of the Organisation and any two of the three trustees shall be empowered to acquire or dispose of property on behalf of the Organisation in so far as authorised by resolutions approved by the Organisation.

The Organisation shall indemnify and keep indemnified the Trustees, their respective estates and successors from and against all losses, liabilities, expenses and payments resulting from any liabilities of the organisation (including without limitation any liabilities incurred by the Trustees for or on behalf of the organisation) save to the extent that any claim arises from the negligent act or default of that Trustee (and such claim is not covered by an insurance policy).

## **22. AMENDMENT OF RULES OF THE ORGANISATION**

Any proposal to amend these Rules shall only be considered by the Organisation after notice of such amendment has been given to all Representatives at least 21 days before the date of the meeting at which the proposed amendment is to be considered.

## **23. NOTICES**

Any notice required to be served by these Rules may be sent by post and shall be deemed to be served on the day upon which, in the ordinary course of the post, it would be received.

**May 2018**