

National Constitution

1 Title

The Association shall be called "The Association for Public Service Excellence" - referred to hereinafter as the "Association" or as 'APSE'.

2 Aims and Values

Our Mission

The Association which consults, develops, promotes, advises and shares on best practice in the delivery and provision of sustainable efficient and accountable public services.

Our Values

- (a) APSE will act as a champion in promoting continuous improvement in the delivery of excellent, cost effective efficient and sustainable public services to local communities.
- (b) APSE believes that all local service delivery arrangements should be capable of meeting the tests of public value in terms of the support for sustaining resilient local economies; building community cohesion; improving the quality of life; demonstrating value for money; sustaining democratic networks and accountability to citizens and service users; and supporting employment, skills and training.
- (c) APSE believes that in order to demonstrate public value a strong core of local services should be provided in-house so that Councils have both the capacity and expertise to deliver innovative, flexible and sustainable high-quality services, and effectively manage other supply arrangements in the interests of local communities and taxpayers
- (d) APSE believes that all providers of local public services should be accountable to elected members as the democratic stewards and representatives of their locality.
- (e) APSE is supportive of fair employment and believes that excellent services can best be delivered through highly motivated and well-trained employees who should as far as possible reflect the diverse communities which they serve.
- (f) APSE will advocate the value and benefits to local economies of high quality sustainable public services to all key stakeholders and the wider public.
- (g) APSE believes that public service excellence can only be achieved through improving the quality of public sector management and will provide networks and services to support this aspiration.

3 Representation

- (a) Membership shall be open to all local authorities in the United Kingdom who can demonstrate that they are committed to delivering quality cost effective services to their communities.
- (b) Member local authorities shall normally be represented by members, officers and trade union representatives. Voting shall be on the basis of one vote per member authority.

- (c) Associate membership shall be open to public bodies and other organisations in the UK which are not local authorities but which share the principles and objectives of the Association. Associate membership shall confer no voting rights.
- (d) The Association shall form six areas/regions on a geographic basis. Each area/region will have its own autonomy within the overall direction of the National Association.
- (e) Any vacancy on the Association shall be filled by the appointing local authority which shall be empowered to appoint its own substitute.
- (f) Any vacancy on the National Council shall be filled by the appropriate area/region.
- (g) The National Council shall be empowered to recommend that membership of the Association be withdrawn from any Member or Associate Member if, in the opinion of the National Council, it would not be in the interests of the Association for the Member or Associate Member to remain a Member on the grounds that the Member or Associate Member has acted contrary to the aims and values of the Association. Membership shall be withdrawn from such Member or Associate Member if the National Council's recommendation is approved by two thirds of the Members attending and voting at an AGM or other meeting of the Association. The Member or Associate Member whose membership is proposed to be withdrawn shall be given an opportunity to appear before the National Council and the Association to make representations on its behalf.

4 Office Bearers

4 (a) (i) Chair

The National Chair shall be appointed annually on a rotational basis from the constituent areas/regions. The rota shall be as follows:

- (1) Scotland
- (2) Northern
- (3) Central
- (4) Wales
- (5) Northern Ireland
- (6) Southern

- (a) (ii) The National Chair shall work to a role profile as agreed by the National Association.
- (a) (iii) The nominating area /region is empowered to agree a nomination for the role of substitute National Chair should the National Chair be unable, on a temporary or permanent basis, during their term of office to fulfil their duties.

(b) Secretary

The National Secretary will be appointed annually on the same basis as the chair by the same area/region.

- (c) During their year of office, the National Chair and National Secretary shall oversee the work of the Association's Secretariat in accordance with the Association's business plan and annual financial budget.

5 National Council

- (a) A National Council of the Association shall be formed whose functions shall be to take any action necessary in pursuit of the Association's aims and values. It shall act on behalf of the Association and report accordingly to the Association.
- (b) The National Council shall be empowered to do such acts as are intended to further the aims and values of the Association including the following:
- (i) Nominate representatives on behalf of the Association to other bodies and organisations (such representatives will be drawn from the membership of the Association).
 - (ii) Enter into contracts and other binding arrangements with third parties on behalf of the Association and authorise their execution by any two signatories from the members of National Council, the Chief Executive and the Heads of Service.
 - (iii) Take out and maintain (at the Association's cost) both directors and officers indemnity insurance and professional indemnity insurance to cover the activities of any officer of the Association (including but not limited to members of the National Council and its property trustees appointed pursuant to Section 10(b)) acting within the scope of authority granted to him/her by the Association.
 - (iv) Purchase, sell, lease, charge, dispose of or make any other arrangement as it sees fit in relation to the Association's property and assets on its behalf provided that such arrangements are compatible with the Association's aims and values.
 - (v) Deal with any employment matters on behalf of the Association (including hiring, fixing the remuneration and terminating the contracts of any employees, agents or consultants).
 - (vi) Open and operate bank accounts on behalf of the Association.
 - (vii) Take out a bank loan or other form of third-party loan at reasonable commercial rates on behalf of the Association.
 - (viii) Create for the benefit of the Association a subsidiary trading company, limited by share(s) with the Association as sole shareholder, for the purposes of the secure operation of any of its traded services as it deems fit and in furtherance of the best interests of the members of the Association, its National Council and in supporting appropriate risk management of the Association's activities.
 - (ix) For the avoidance of doubt the National Council shall be empowered to agree any such byelaws, deeds of trust, company and board appointments, safeguards and legal requirements necessary in respect of any company created under 5. (viii) above
- (c) (i) The National Council shall comprise the National Chair, National Secretary, the immediate past National Chair and Secretary, and the immediate future National Chair and Secretary (from the constituent areas/region following the rota outlined in section 4(a) of the constitution) and the present Chair and Secretary from each of the six areas/regions.

- (ii) In addition, seats shall be allocated on the basis of two additional seats for the first 25 members or part thereof and one additional seat for the next 25 members or part thereof in each area/region, as at 1 April each year, up to a maximum of four additional seats per area/region.
- (iii) Substitutes shall be permitted as long as they are nominated and notified in writing in advance from the appropriate area/region.
- (d) The National Council shall have the authority to call in such expertise as is required and accordingly shall be empowered to co-opt any such representatives who shall have no voting rights.
- (e) Any functional officer appointed by the National Council shall attend Council meetings but shall have no voting rights.
- (f) (i) Members shall be appointed from National Council to serve on any Sub-Committee established by National Council.
- (ii) The remit of the National Council and its Sub-Committees shall be to deal with issues relating to policy; to oversee the running of the Association on issues including personnel, finance, risk and governance matters and; to provide strategic input into the development of the policy direction, advocacy work and furtherance of the Association's aims and values.
- (iii) The remit of the National Council and its Sub-Committees shall also include handling matters relating to human resource management including recruitment of senior staff and dealing with grievance and disciplinary appeals where appropriate; to assist in the preparation of the Association's business plan and to monitor its implementation; to prepare the annual budget to recommend, if necessary, additional expenditure falling outside the normal budget process; to monitor income and expenditure throughout the year and; to approve virement between various budget heads during the year.
- (g) (i) The National Council shall establish and oversee such APSE networks as shall be agreed from time to time. The Chair of each network shall be elected annually at the AGM and groups shall regularly report their activities to National Council. APSE networks shall be established and wound up by National Council, with activity reported at the subsequent Association meeting.
- (ii) The National Council shall from time to time establish maintain and wind up strategic fora the designation of which together with their composition shall be determined by National Council, subject to ratification at the subsequent Association meeting.
- (iii) The National Council shall maintain lists of the Association's networks and strategic fora and shall provide copies of the same at the AGM.
- (iv) The Chair of each APSE network / strategic forum shall receive an annual personal allowance during their period of office.
- (h) The National Association shall strive to ensure political balance, from parties which share

its values, in its elected member appointments.

(i) The Association shall fully indemnify the members of the National Council, and the property trustees, appointed pursuant to Section 10(b) against the following:

(i) Any personal liability arising out of contracts entered into by a member (where they were acting within the scope of their authority to enter into such contract);

(ii) All costs, expenses and other liabilities incurred by a member in relation to any property of the Association (including but not limited to any financial liability arising from any lease, license or similar arrangement in respect of the Association's premises);

(iii) Any claim(s) by a third party against a member where such claim relates to his/her Association duties and/or activities;

(iv) Any liability arising from a claim brought by an employee, agent or consultant of the Association;

(v) Any negligence or similar claim brought by a member local authority, associate member or other body provided that the National Council member was acting within the scope of authority granted to him/her by the Association

6 Meetings

(a) The full Association shall meet in January or more often if required. Meetings shall normally be called by notice in writing not less than fourteen days before the date of the meeting and the notice shall include the agenda of items to be discussed.

(b) National Council shall meet in September, December, March and June with the provision that special meetings can be called if required. Meetings shall normally be called by notice in writing not less than fourteen days before the date of the meeting, the notice of which shall include the agenda of items to be discussed.

(c) The AGM of the Association shall be held in September.

(d) Any member may participate in the AGM, a meeting of the full Association, National Council or any Sub-Committee in person or by means of video conference telephone or any suitable electronic means agreed by the National Council and by which all those participating in the meeting are able to communicate with all other participants.

(e) If all the members participating in the meeting are not in the same place it shall be treated as taking place wherever the Chair of the meeting determines.

(f) A member may form part of the quorum for any such meeting provided their participation conforms with both the communication requirements of Section 6 (d) and (e) and the quorum requirements of Section 7.

7 Quorum

- (a) A quorum for meetings of the Association shall be ten of the members entitled to be present and a quorum for meetings of the National Council of the Association shall be three of the members entitled to be present. Voting shall be on the basis of one authority one vote.
- (b) In circumstances where National Council agrees participation in the meetings of the Association in accordance with Section 6(d)-(f) the details of the person entitled to cast the vote of an authority needs to be notified in writing to the Chief Executive no later than 3 days prior to the AGM or Full Association meeting. A substitute may be made by the authority at any point prior to the start of the meeting.
- (c) Any authority which has not paid its membership fees by the end of the calendar year in the relevant APSE year, shall cease to have voting rights in the name of the authority until such membership fees are paid in full (representatives of the authority will not, however, be excluded from Association meetings).

8 Areas/Regions

- (a) Each area/region shall elect its own chair and vice-chair, secretary and treasurer and a regional council. All areas/regions shall agree their own constitution after consultation with National Council, which shall incorporate the aims and functions of the National Constitution.
- (b) Areas/regions shall meet at least quarterly and hold their AGMs at least one calendar month before the National AGM. Areas/regions shall be entitled to levy a regional affiliation fee over and above the national rate.
- (c) (i) In any year when the National Chair is from outside England an English Chair shall be appointed from one of the three constituent English areas/regions for the purpose of lobbying in England.

(ii) The Chair shall be rotated round the three areas/regions on an annual basis when the National Chair is from outside England. The rotation shall start with the area/region of the first elected Chair and follow the rota outlined in section 4 (a) of the constitution.

(iii) The English Chair shall receive an annual personal allowance during their period of office.

9 Finance

- (a) Each member authority shall subscribe to an annual membership fee.
- (b) The financial year shall be from 1 April to 31 March.
- (c) Member authorities/Associate members wishing to withdraw from the Association must give twelve months' notice in writing
- (d) A budget for the next financial year shall be presented for approval to the January meeting of the Full Association. This will include the setting of subscriptions.

(e) An audited set of accounts shall be presented to the AGM of the Association.

10 Annual General Meeting

(a) The annual general meeting of the Association shall be held during September each year at which meeting appointments of office bearers will be made.

(b) For the purposes of the Association's premises lease only, the following four trustees shall be appointed on an annual basis:

- (i) National Chair
- (ii) National Secretary
- (iii) Chief Executive
- (iv) Head of Service nominated by the Chief Executive

(c) The trustees appointed pursuant to Section 10 of the constitution shall be afforded the full protection of the indemnities contained in Section 5 (h) (i) and the insurances described in Section 5(b) (iii) in their capacity as trustees in addition to any other capacity they hold.

11 Minutes

Minutes of meetings of the Full Association, the Annual General Meeting and of the National Council shall be kept and shall be circulated to the respective members of each prior to the next such meetings.

12 Liaison

The Association shall liaise and maintain links with all its recognised areas and authorities. To this end the National Chair and Secretary and the Chief Executive shall be entitled to attend area/regional meetings.

13. Standing orders and financial regulations

National Council shall be empowered to make Standing Orders and Financial Regulations to govern the conduct of meetings and the business of the Association. The Association at its AGM may alter, repeal or make additions to Standing Orders and Financial Regulations.

14 Amendment

The Constitution may be amended with the assent of the majority of the authorities referred to in Section 3(a) attending and voting at the AGM or any other meeting of the full Association, notice having been given of any proposed amendments one calendar month before the AGM or full Association meeting.

15 Accountability

(a) Any member of National Council and any Chair of any APSE Network or strategic forum may be removed by a vote of no confidence of National Council which is

supported by two-thirds of those present and entitled to vote. A motion calling for this course of action must be sent in writing to the Association's Chief Executive at

least fourteen days in advance of such a meeting.

(b) The Chair or Secretary of any of the Association's Sub-Committees can be removed by a vote of no confidence which is supported by two-thirds of those present and entitled to vote at the appropriate Sub-Committee. A motion calling for this course of action must be sent in writing to the Association's Chief Executive at least fourteen days in advance of such a meeting.

(c) Any person who is subject to such a motion under Section 15(a) or (b) shall be entitled to appear before and speak at National Council or the appropriate Sub-Committee (as the case may be) in relation to the motion but shall not be entitled to be present for the debate nor shall be entitled to vote on any such motion.

(d) Replacements will then be identified from those present and ratified at the next meeting of the full Association.

(e) Chairs of any of the Association's Sub-Committees APSE networks and strategic fora shall be required to work to a role profile as agreed by the Association.

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