

## **Part 2 – The Articles**

### **Chapter 2 – Members of the Council**

#### **1. Composition and eligibility**

##### **Composition**

- 1.1 The Council comprises 51 directly elected Members, known as Councillors. The area of the Council is divided into 19 wards in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State. Elections are then held on the basis of those wards.

##### **Eligibility**

- 1.2 Any person may stand for election and be elected as a Councillor if he/she is on the electoral register or if he/she has lived, worked or occupied property in the borough for 12 months prior to the election. There are certain provisions preventing a person from becoming or continuing as a Councillor as set out in Sections 80 and 81A of the Local Government Act 1972 (as amended). Those provisions include if the person is an employee of the Council, is subject to a bankruptcy restrictions order, has received a custodial sentence (suspended or not) of three months or more within the past five years, has been disqualified from being a Councillor under Part III of the Representation of the People Act 1983 or is subject to any relevant notification requirements or order in relation to sexual offences).

#### **2. Election and terms of office of Councillors**

- 2.1 Elections are held every four years and will normally be held on the first Thursday in May of the election year. Elections can be deferred by an order of the Secretary of State, for example where appropriate to coincide with other elections / referendums.
- 2.2 By-elections are held when a casual vacancy arises for any seat, unless the vacancy arises within six months of the ordinary elections for that seat.
- 2.3 The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

#### **3. Roles and functions of all Councillors**

- 3.1 Councillors have five main roles:
- a) community leadership and representation;
  - b) executive decision-making;
  - c) policy development and review;
  - d) overview and scrutiny;
  - e) quasi-judicial and regulatory.
- 3.2 Taken together these roles enable Councillors to:

- a) collectively, in meetings of the Council, be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- b) represent the communities of their electoral ward, bring their views into the Council's decision-making process and represent the Council to those communities – i.e. become an advocate of, and for, their communities;
- c) respond to constituents' enquiries and representations fairly and impartially, deal with individual casework and otherwise effectively represent the interests of their electoral ward and of individual constituents;
- d) balance the different interests identified within the electoral ward, represent the ward as a whole and act as a point of mediation between the Council and the communities of their ward;
- e) be involved in decision-making in any of the five roles set out above (subject to the proviso that there is no overlap between those Councillors who perform Cabinet and Overview & Scrutiny functions);
- f) represent the Council on other bodies;
- g) adopt and maintain the highest standards of conduct.

#### **4. Rights and Duties**

- 4.1 Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law. However, this may not include certain confidential or exempt information.
- 4.2 Councillors will not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- 4.3 For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules within this Constitution.

#### **5. Conduct**

- 5.1 Councillors will at all times observe the Councillors' Code of Conduct and the Protocol for Councillor / Employee Relations set out in Part 5 of the Constitution.

#### **6. Allowances**

- 6.1 Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of the Constitution.

#### **7. Requirement to Attend Meetings**

- 7.1 In accordance with Section 85 of the Local Government Act 1972 (as amended) and subject to any exemptions under subsection 3 of Section 85, any Councillor who fails, throughout a period of six consecutive months from the date of his/her last attendance, to attend any qualifying meeting of the

Council shall, unless the failure was due to some reason approved by the Assembly before the expiry of that period, cease to be a Councillor.

- 7.2 A 'qualifying meeting' means a committee or other body, including any sub-committee, working party etc. thereof, to which the Councillor has been formally appointed as a representative of the Council by the Assembly, the Cabinet or other committee / body responsible for appointments on behalf of the Council.
- 7.3 A Cabinet Member who fails to attend a formal Cabinet meeting (or do any delegated decision-making) in a consecutive six-month period, unless the failure was due to some reason approved by the Assembly before the expiry of that period, shall also cease to be a Councillor even if he/she had attended another 'qualifying meeting'.
- 7.4 The "period of six consecutive months" shall mean that the expiry date is the day after a full six months has elapsed since the last attendance (e.g. last attendance on 1 January would mean an expiry date of 1 July).