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

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

#### **Composition**

- 1.1 The Council comprises 49 directly elected Members, (known as "Councillors"). The area of the Council is divided into wards in accordance with a scheme drawn up by the Local Government 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 legal Rules preventing a person from becoming or continuing as a Councillor (for instance if they are an employee of the Council or have been adjudged bankrupt, have been sentenced to a custodial sentence or have been disqualified from being a Councillor under the Local Government Act 2000).

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

- 2.1 Elections for one third of the seats on the Council are held in each of three years out of every four. The regular election of Councillors will normally be held on the first Thursday in May each such year but they can be deferred by an order of the Secretary of State, for example where appropriate to coincide with European Parliament elections. By-elections are held when a casual vacancy arises for any seat, unless the vacancy arises within 6 months of the ordinary elections for that seat. 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.
- 2.2 The Local Government and Public Involvement in Health Act 2007 gave local authorities the power to change the way in which they elect their Councillors so that whole-council elections could be held every four years, subject to certain restrictions as to the years the election could be held in. The Localism Act 2011 now allows the Council to make a decision on the way in which it holds elections outside of the formally predetermined permitted periods.
- 2.3 Should the Council wish to consider a move to whole-council elections, a decision to go out to consultation with "interested parties" is first required. Following consultation, if it is minded to move to all-out elections, an Extraordinary Council Meeting must be called to consider the matter, where two-thirds of the Members present at that Meeting must vote in favour of any recommendation in order to pass a resolution to change to whole-council elections.

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

- 3.1 Councillors have five main roles. They perform one or more of the following duties (subject to the proviso that there is no overlap between them and those Members who perform Executive and Scrutiny functions):
- (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 division, 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 division and of individual constituents
- (d) balance the different interests identified within the electoral division, represent the division as a whole and act as a point of mediation between the Council and the communities of their division
- (e) be involved in decision-making in any of the five roles set out above
- (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 in Chapter 8 of this Constitution.

#### **5. Conduct**

- 5.1 Councillors will at all times observe the Members' Code of Conduct set out in Chapter 7 of the Constitution and the Protocol on Member/Officer Relations likewise set out in Chapter 7 of the Constitution.

**6. Allowances**

- 6.1 Councillors are entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Chapter 11 of this Constitution.