

## **2. ARTICLE 2 - MEMBERS OF THE COUNCIL**

---

### **2.1 Composition and Eligibility**

#### **2.1.1 Composition**

The Council will comprise 26 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a Scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State and/or the Electoral Commission.

#### **2.1.2 Eligibility**

The qualifications for election to and the holding of the office of Councillor will be those as prescribed under Section 79 of the Local Government Act 1972.

### **2.2 Election and Terms of Councillors**

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. 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.

### **2.3 Roles and Functions of all Councillors**

#### **2.3.1 Key Roles**

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their ward and of individual constituents;
- (iv) respond to constituent's enquiries and representations fairly and impartially;
- (v) participate in the governance and management of the Council;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

## **PART 2 | ARTICLE 2 - MEMBERS OF THE COUNCIL**

### **2.4 Rights and Duties**

- 2.4.1 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.
- 2.4.2 Councillors should consider the situation carefully and, if appropriate, seek guidance from the Monitoring Officer before making public information which is confidential or exempt without the consent of the Council or divulging information given in confidence to anyone other than a Councillor or Officer entitled to know.
- 2.4.3 For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

### **2.5 Political Groups**

- 2.5.1 The Members of an authority are to be treated as divided into different political groups when there is at least one properly constituted political group in existence.
- 2.5.2 A political group shall be treated as constituted when there is delivered to the Chief Executive a Notice in writing which is signed by two or more Members of the authority who wish to be treated as a political group and that Notice states at least:
- (i) that the Members of the authority who have signed it wish to be treated as a political group;
  - (ii) the name of the group; and
  - (iii) the name of the member of the group who is to act as its leader.
- 2.5.3 Under Section 15 of the Local Government and Housing Act 1989, the Council has a duty to review the allocation of seats on Committees to the political groups on the Council at the Annual General Meeting or as soon as possible thereafter.
- 2.5.4 The allocation of seats on the Council and its Committees is made in proportion to the seats on the Council held by each political group. The duty to allocate seats on a proportional basis does not apply to all Committees and working groups of, or outside bodies directly facilitated by, the Council.
- 2.5.5 Councillors who are not members of a political group are allocated seats by the Council. Councillors elected as Independents may, if they wish, form an

## **PART 2 | ARTICLE 2 - MEMBERS OF THE COUNCIL**

independent group that, for the purposes of the 1989 Act, shall be treated as a political group.

### **2.6 Cessation of Membership**

A Councillor will cease to be a Member if they:

- (i) resign by giving notice in writing to the Chief Executive; or
- (ii) if they fail to observe the requirements to attend Council meetings as prescribed by Section 85 of the Local Government Act 1972; or
- (iii) if they are disqualified from holding office by virtue of Section 80 of the Local Government Act 1972 or any other statutory provision.

### **2.7 Conduct**

Councillors will at all times observe the Members' Code of Conduct, the Planning Code of Conduct, the Licensing Code of Conduct and the Protocol on Member/Officer Relations as set out in Part 5 of this Constitution.

### **2.8 Allowances and Expenses**

Councillors will be entitled to receive allowances and expenses in accordance with the Members' Allowances Scheme as set out in Part 6 of this Constitution as amended from time-to-time.

### **2.9 Office Holders**

These are summarised below and are set out in more detail in Part 5 of this Constitution.

#### **2.9.1 The Mayor and Deputy Mayor**

- (i) The Mayor and Deputy Mayor are elected each year at the Annual General Meeting. Neither shall be eligible for re-election as Mayor or Deputy Mayor respectively for a third consecutive year.
- (ii) The Mayor chairs the Council's meetings.
- (iii) The Mayor is the First Citizen of the Borough and is the Council's civic and ceremonial head.
- (iv) The Mayor may nominate a Mayoress or Consort and a Chaplain or some other faith representative.
- (v) The Deputy Mayor may nominate a Deputy Mayoress or Consort.

## **PART 2 | ARTICLE 2 - MEMBERS OF THE COUNCIL**

- (vi) The Deputy Mayor may, if for any reason the Mayor is unable to act or the Office of Mayor is vacant, discharge all functions that the Mayor as such might discharge.

### **2.9.2 The Leader of the Council**

- (i) The Council will appoint a Leader each year at the Annual General Meeting. The Leader will provide clear leadership to the community.
- (ii) The Leader may present a regular report or statement to the Council on which questions or comments from other Councillors or members of the public will be taken in accordance with Part 4 of the Constitution.
- (iii) The Leader will hold office until:-
  - (a) He resigns from Office; or
  - (b) He ceases to be a Member in accordance with Article 2.6 above; or
  - (c) He is removed from Office by resolution of the Council or Annual General Meeting of the Council next following his appointment.
- (iv) The Leader is empowered to take all necessary urgent action where it is required, including the authorisation and incurrence of expenditure, following consultation with the appropriate Statutory Officers, in order to promote, protect or defend the reputation of the Council.

### **2.9.3 Deputy Leader of the Council**

- (i) The Council may, if it considers it appropriate to do so, appoint a Deputy Leader.
- (ii) The Deputy Leader where such an appointment is made will hold office on the terms listed at Article 2.9.2 above in respect of the Leader when the Leader is absent.

### **2.9.4 Leader of the Opposition and Other Opposition Group Leaders**

- (i) The Council recognises majority and minority Opposition Group Leaders (if any).
- (ii) The designated leader of the majority opposition group will be appointed to the office of the Leader of the Opposition.

## **PART 2 | ARTICLE 2 - MEMBERS OF THE COUNCIL**

- (iii) Where there are two or more opposition groups with an equal number of members in each, the designated group leaders of those groups shall be regarded as jointly being appointed to the office of the Leader of the Opposition.
- (iv) The designated leaders of any other minority opposition groups will be recognised as Opposition Group Leaders.
- (v) If it is appropriate to do so, The Leader of the Opposition and other Opposition Group Leaders may appoint or have recognised a Deputy.
- (vi) The appointment of the Leader of the Opposition (and Deputy) and recognition of other Opposition Groups Leaders (and Deputies) will be noted at the Annual General Meeting.