

# Part 2

## Articles of the Constitution



## Article 2: Members of the Council

### CONTENTS OF THE ARTICLE

This Article sets out the composition of the Council, eligibility to stand for election as a Member of the Council (Member) and the form of election to be used.

The Article also contains a statement of the roles and functions of Members of the Council. This reinforces the fact that all Councillors, whatever their formal position in the Council and party political system, share common roles and responsibilities.

The Article also deals with the rights and duties of Councillors, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.

#### 2.1 Composition and eligibility

- (a) **Composition:** The Council comprises 40 Members, otherwise called Councillors. All Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility:** Only people who live or work in the district, or are registered voters in the South Hams, will be eligible to hold the office of Councillor.

#### 2.2 Election and terms of Councillors

- (a) **Election:** The regular election of Councillors will be held once every four years on the first Thursday in May.
- (b) **Term:** 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

- (a) **Key roles.** All Councillors will:
- (i) collectively be the ultimate budget policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) represent their communities and bring their views into the Council's decision-making process, ie become the advocate of and for their communities;
  - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (iv) balance different interests within their ward and represent the ward as a whole; and balance the interests of other wards against their own to represent the interests of the District as a whole;
  - (v) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
  - (vi) be involved in decision-making;
  - (vii) be available to represent the Council on other bodies; and
  - (viii) maintain the highest standards of conduct and ethics.
- (b) **Rights and duties**
- (i) Councillors will have such rights of access to such documents, information, land and buildings and resources of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
  - (ii) Councillors will not make public information which is "confidential" or "exempt" from disclosure without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. A description of information which is "confidential" and "exempt" is given in the Access to Information Rules in Part 4 of this Constitution.
  - (iii) For the purposes of their role as community representatives, councillors will be registered as data controllers under the provisions of the Data Protection Act 1998 and will conform to its requirements in respect of the handling of personal data.

- (iv) Councillors will develop and maintain a working knowledge of the authority's services and policies and take advantage of appropriate training and personal development opportunities to enable them to fulfil their role.

#### 2.4 Conduct

- (a) Councillors will at all times observe the Members' Code of Conduct and the Protocol on Councillor / Officer Relations set out in Part 5 of this Constitution.
- (b) Councillors and co-opted members will register, and keep up to date, their personal interests in the Register of Interests kept by the Monitoring Officer in accordance with the Code of Conduct set out in Part 5 of this Constitution
- (c) ~~Councillors will register all gifts and hospitality received to the value of £25 or more in the Register of Gifts and Hospitality kept by the Monitoring Officer in accordance with the Code of Conduct set out in Part 5 of this Constitution.~~
- (d) Details of the Register are set out in Part 2 of the Code of Conduct. The Register is available for public inspection at the Council's offices and on the Council's website.

#### 2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Scheme of Members' Allowances set out in Part 6 of this Constitution.

#### 2.6 Use of Email

Where any written communication is to be made, or a summons or notice given to Councillors, it will be made or given by electronic mail whenever possible.

#### 2.7 Application to Co-opted Members of Council Bodies

The following provisions of this Article apply to people who are co-opted into membership of Council Committees and other bodies as they apply to Councillors:

- Article 2.3 (a) (v), (vii) and (viii);
- Article 2.3 (b) (ii) and (iv);
- Article 2.4;
- Article 2.5;
- Article 2.6.

## 2.8 Annual Attendance at Public Meetings

Members' annual attendance at public meetings of the council will be published on the website.

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If a Member fails to comply with the performance target whereby they should attend at least 65% of all meetings of the bodies to which they have been appointed, then the matter will be considered by the Monitoring Officer, who will consult with the Chairman of Council. Where there are no justified reasons for the performance target being missed, the Monitoring Officer will write to the Member and request that they return a clearly defined proportion of their Basic Allowance.