

Article 2 – Members of the Council (Councillors)

2.1 Composition and eligibility

- (a) **Composition:** The Council will comprise 63 Members, otherwise called Councillors. They will be elected by the voters of each Ward as defined by a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility:** Only registered voters of the Borough or those living or working there will be eligible to stand for the office of a Councillor.

2.2 Election and terms of office

The regular election of Members is held on the first Thursday in May every four years from 2002. The terms of office of Members 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 Members

(a) **Key roles**

- to participate constructively in the good government of the area;
- Contribute actively to the formation or scrutiny of the council's policies, budget, strategies and service delivery;
- to represent effectively the interests of the Ward for which he/she was elected and deal with their constituents' enquiries and representations.

(b) **Key tasks**

- fulfil the statutory and locally determined requirements of an elected Member of the Council including compliance with all relevant codes of conduct, and participation in those decisions and activities of the Full Council and its committees;
- participate in the area and service-based consultative processes with the community and with other organisations;
- represent the council to the community, and the community to the council, through the various forums available;
- develop and maintain a working knowledge of Barnet's services, activities and other factors which impact upon the community's wellbeing and identity;
- contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area; and

- participate in the activities of any political group of which he/she is a member
- participate in training sessions made available to Members by the Council.

(c) **Access to Information**

- members 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 and officers will keep Ward Members informed of matters relating to their Ward
- Members will not make public 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;
- “confidential” and “exempt” information are defined in the Access to Information Rules set out in Part 2 of this Constitution.

(d) **Special Responsibilities**

Some Members have special responsibilities, additional to those of other Members, including:

- The Leader of a political group;
- Chairman and Vice Chairman of a council committee;
- The Chairman of some other council body;
- The Lead Member for Children’s Services.

(e) **Members’ Rights to Refer Matters to Parent Body**

Unless the matter is urgent three members of a committee or sub-committee may refer a key decision (for definition see below) to Council or parent committee but any such reference must be requested before the decision on the matter is made by the committee. The reasons for the referral must be stated. In making the referral, the committee or sub-committee can make recommendations to Council or parent committee. Non-key decisions, Members’ Items and reports to the Urgency Committee cannot be referred.

The Chairman or three Members of a Planning Committee may refer an item to the Strategic Planning Committee for determination by indicating before any decision is made on the item that they wish to refer the item and providing reasons for the referral. If there is a proposal to refer any matter to the Planning Committee the referral must take place before any decisions on the application have been made.

A chairman of an area committee may refer applications to the area committee budget to the Environment Committee. The reasons for the referral must be stated. In making the referral, the chairman can make recommendations to Council or parent committee.

Key Decisions – a key decision is one which will result in the council incurring expenditure or savings of £500,000 or more, or is significant in terms of its effects on communities living or working in an area comprising two or more Wards.

(f) **Members' Items for the Agenda**

A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee. If the Head of Governance has any doubts about any Members Item for reasons of propriety, he or she may refer it to the Chairman. If the Chairman considers the Members Item to be vexatious, irrelevant, or otherwise improper, the Head of Governance will return it to the Member who submitted it. The Head of Governance will explain to the Member in writing why it will not be included on the agenda circulated for the meeting.

This rule does not apply to planning committee, area planning committees, urgency committee and licensing sub-committees. The referral of a motion from Full Council to a committee will not count as a Member's Item for the purposes of this rule.

The Head of Governance must receive written notice of a Member's Item, at least seven clear working days before the meeting.

The Lead Member for Children's Services is permitted to have one matter only (with no-sub items) on the agenda for a meeting of a Committee, Sub-Committee or Partnership Board on which s/he does not serve when that body is considering an item which relates to children and young people.

A Ward Member will be permitted to have one matter only (with no sub-items) on the agenda for an Area Committee where the Member is submitting a request for CIL funding to an Area Committee Budget relating to their Ward. Members' Items for CIL funding Budget must be submitted 10 clear working days before the meeting. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

(g) **Members Rights to Call-in Planning Applications**

Where an application is recommended for approval or refusal, Members have the right to 'call-in' an application for determination by a planning committee. A relevant planning consideration must be identified when calling-in the application.

(h) **Member Requests to Speak at Planning Committees**

Members may address a planning committee on any application, unless they have a pecuniary interest in which case they are precluded. Members should give notice to the Chairman of the meeting of their intention to speak before the start of the meeting. Any Member wishing to address the Committee shall have up to 3 minutes. Members' rights to address planning committees are in addition to the rights of public speakers.

MPs and GLA Members from the borough and MPs, GLA Members and Members from neighbouring boroughs may request to address a planning committee on a matter which affects their constituency or ward. Notice should be given to the Chairman of the meeting before the start of the meeting. Any such Member would be allowed up to 3 minutes.

(i) **Members rights to make representations and request to speak at a Licensing Committee or Licensing Sub-Committee**

Where the Licensing Committee or a Sub-Committee is conducting the hearing or review of determinations under the Licensing Act of 2003 or the Gambling Act of 2005 the following rules will apply (which link to the provisions in the Members Licensing Code):

- a) Where a Member has a pecuniary interest (see section 3.2 of the Members Licensing Code) relating to an application:
 - they may not sit on the committee or sub-committee hearing that application;
 - they may not make oral representations to the committee or sub-committee either as a Member, or in a private capacity, and they are precluded from making representations on behalf of a party to the hearing.
- b) Any Member (including where they have a pecuniary interest) can make a written representation in accordance with the statutory timescales for representations as advertised by the Licensing Team.
- c) Any member not precluded by a) and who has submitted a written representation in accordance with b) can make an oral representation at a meeting of the licensing committee or sub-committee must submit their request to the relevant licensing officer X days before the meeting.

(j) **Members' rights to attend and speak at committees or sub-committees when they are not a Member of the committee.**

Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote and should sit with members of the public.

Apart from planning committees (see above) and licensing committees councillors may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent. Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.

The Lead Member for Children's Services has a right to address a Committee, Sub-Committee or Partnership Board for up to three minutes when it is considering matters which relate children and young people, subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent

Members may remain for the private part of any committee meeting.

2.4 Conduct

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

2.5 Allowances

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