

## Article 2

### Members and the Council

#### 2.1 Introduction

- 2.1.1 This Article sets out how Councillors are elected.
- 2.1.2 It also includes a statement on the roles and functions of Members of the Council and sets out the rights and duties of Councillors.

#### 2.2 Powers of the Council

- 2.2.1 The regular election of Councillors will be held on the first Thursday in May every four years beginning in May 2002.
- 2.2.2 The terms of office of Councillors will start on the fourth day after being elected and except for the Leader and Mayor, will finish on the fourth day after the date of the next regular election unless they are re-elected.

#### 2.3 Roles and functions of all Members

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

#### 2.4 Key tasks:

- 2.4.1 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;
- 2.4.2 Represent the Council to the community, and the community to the Council, through the various forums available;
- 2.4.3 Develop and maintain a working knowledge of Barnet's services, activities and other factors which impact upon the community's wellbeing and identity;
- 2.4.4 Contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area; and
- 2.4.5 Participate in training sessions made available to Members by the Council.

#### 2.5 Access to Information

- 2.5.1 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.
- 2.5.2 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, to do so would be a breach of the Members Code of Conduct

2.5.3 “Confidential” and “exempt” information are defined in the Access to Information Rules set out in this Constitution.

2.5.4 Further details can be found in the Members Information Management Policy and Toolkit.

## **2.6 Members Rights to Call-in Planning Applications.**

2.6.1 Where an application is recommended for approval or refusal, Members have the right request to ‘call-in’ an application which affects their ward for determination by a planning committee. A relevant planning consideration must be identified when calling-in the application.

## **2.7 Member Requests to Speak at Planning Committees.**

2.7.1 Members may address a planning committee on any application, unless they have a pecuniary interest in which case they are precluded.

2.7.2 Members should give notice to the Chair of the meeting of their intention to speak before the start of the meeting. Details of how Members can exercise these rights can be found in this constitution. 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. Details can be found in this constitution. Notice should be given to the Chair of the meeting before the start of the meeting.

## **2.8 Members’ rights to attend and speak at committees or subcommittees when they are not a Member of the committee.**

2.8.1 Councillors may attend any Cabinet meeting, 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 (which is dealt with above) and licensing sub committees Councillors may speak at a committee meeting subject to giving notice to the Chair of the meeting before the start of the meeting and the Chair giving his or her consent. Details of these rights can be found in this constitution.

2.8.2 The Lead Member for Children’s Services and Adults 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 Chair of the meeting before the start of the meeting and the Chair giving his or her consent Members may remain for the private part of any committee meeting.

## **2.9 Conduct**

2.9.1 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.

## **2.10 Allowances**

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

**2.11 Disclosure and Barring Service Checks**

2.11.1 An enhanced DBS check is required for members who are being considered for appointment to any committee involving decisions on the provisions of children's services or services for vulnerable adults. The following posts require an enhanced Disclosure and Barring Service Check:

- The Mayor and Deputy Mayor
- All Cabinet Members including the Leader and Deputy Leader
- All Members and Substitute Members of:
  - Children & Education Overview & Scrutiny Sub-Committee
  - Adults & Health Overview & Scrutiny Sub-Committee
  - Corporate Parenting Advisory Panel
  - Barnet Children's Partnership Board
- ~~Any Cabinet Member with responsibility for Children's matters including schools.~~
- ~~Any Cabinet Member with responsibility for Adults and Public Health matters~~
- ~~Any Scrutiny Chairs for Adults or Children~~
- ~~Any members on the following: Corporate Parenting Advisory Panel, Barnet Children's Partnership Board~~