

## **PART 3 - MEMBERS OF THE COUNCIL**

### **3.1 Composition of the Council and Eligibility for Election**

3.1.1 The Council will comprise 40 members otherwise called Councillors. One or more Councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for Wales and approved by the National Assembly for Wales.

3.1.2 Only registered voters of the Torfaen County Borough area or those living, working or owning or renting property there will be eligible to hold the office of Councillor.

### **3.2 Election and Term of Office of Councillors**

3.2.1 The election of Councillors took place on 5 May 2022 and the next elections are due to take place in May 2027. The term of office of a Councillor will start on the fourth day after he or she has been elected and will finish on the fourth day after the date of the next regular election.

3.2.2 Should a vacancy arise, a by-election will be held in accordance with election law. Any Councillor elected at a by-election will hold office until the fourth day after the date of the next regular election.

### **3.3 The Role of Councillors**

3.3.1 All Councillors will:

- participate in the good governance of Torfaen;
- participate in improving open democracy in Torfaen;
- contribute to the formation and scrutiny of the Council's policies, strategies, budget and service delivery;
- represent the interests of their ward and respond to enquiries and representations from local people;
- lead on proposals relating to best interests and sustainability of the local community;
- represent the Council on outside bodies especially in their local area. Council representatives on outside bodies (excluding the Brecon Beacons National Park Authority, Gwent Police Authority and South Wales Fire and Rescue Authority) should, where the constitution of that outside body allows, be able to arrange for another councillor to attend meetings in their place where circumstances sometimes prevent their attendance;
- develop and maintain good and effective working relations with the Council's Executive, Overview and Scrutiny Committees and relevant Officers;
- maintain the highest standards of conduct and ethics; and
- adopt the Welsh Local Government's model role descriptions and person specifications for elected members.

3.3.2 Subject to the requirements of political proportionality the Council may appoint

any Councillor to any office or to any Committee save that:

- The Presiding Member and Deputy Presiding Member shall not be appointed as an Executive Member;
- No member of the Cabinet shall hold a seat on any regulatory or Overview and Scrutiny Committee;
- No more than one of the members of the Governance and Audit Committee is to be a member of the Cabinet. The Leader cannot be a member of the Governance and Audit Committee.

### **3.4 Conduct**

- 3.4.1 Councillors will at all times adhere to the Councillors' Code of Conduct approved by Council set out in Appendix 1 to this Constitution and any other codes and protocols approved by the full Council. Any appropriate code or protocol approved by full Council will be included in this Constitution in Appendix 2 as soon as it is approved.
- 3.4.2 Alleged breaches of the Councillors' Code of Conduct are subject to investigation by the Public Services Ombudsman and the Ombudsman may refer such allegations for investigation and reporting to the Monitoring Officer and for consideration by the Ethics and Standards Committee (See part 8 of this Constitution).
- 3.4.3 In addition workers may report matters under the Confidential Reporting Code for Employees set out in Appendix 18.

### **3.5 Rights and Duties of Councillors**

#### **Failure to attend meetings**

- 3.5.1 As required by Section 85 of the Local Government Act 1972, where a Councillor fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority (see Note below), then they cease to be a member of the Authority unless the failure was due to some reason approved by the Council before the expiry of that period. Attendance is defined by the 1972 Act. In summary a Councillor attending as a member of a committee or sub-committee of the Authority or at a meeting of a joint committee, joint board or other body discharging the functions of the Authority or attending as a representative of the Authority at a meeting of any body of persons, is deemed to be attending a meeting of the Authority.
- 3.5.2 Under section 85 of the Local Government Act 1972 where a Councillor being a member of the Executive fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Executive then that Councillor shall cease to be a member of the Council unless the failure was due to some reason approved by the Council before the expiry of that period.

*For the purposes of that provision the discharge by an Executive Member, acting alone, of any function of the executive or attendance as a member at a meeting of a committee of the Executive is deemed to be attendance at a meeting of the Executive.*

- 3.5.3 The law makes provision for exceptions to the above requirements in the case of persons employed in the forces in connection with war and emergencies and in the case of any member suspended or partially suspended under sections 66, 73, 78 or 79 of the Local Government Act 2000.
- 3.5.4 Co-opted and non-voting members of Committees who fail to attend a meeting of the relevant body over a six-month period (**or two consecutive meetings for those regulatory committees that are only required to meet, as a minimum, once per year**), except for some reason agreed by the relevant body before the expiry of the said period, will cease to qualify as a member of that body.

#### **Copy of Constitution to be given to Councillors**

- 3.5.5 A copy of this Constitution shall be given to each Councillor upon their election to the Council. A printed copy can be supplied on request (in larger font if required) and a printed copy will be kept in the members' room.

#### **Councillors' rights to inspect documents**

- 3.5.6 In addition to the rights of access conferred on members of the public, all Councillors shall be able to inspect any document which is in the possession or control of the Council and which contains material relating to any business to be transacted at a meeting of the Council or a committee or sub-committee subject to paragraph 3.5.7.
- 3.5.7 Where it appears to the Monitoring Officer may decline to permit inspection of any document by any Councillor which contains exempt information of a description referred to in section 100F(2) of the Local Government Act 1972.
- 3.5.8 In addition to the rights of access conferred on members of the public, all Councillors will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a meeting or a decision making body of the Executive or by any individual member of the Executive, when the meeting concludes or when taken by an individual member immediately after the decision has been made except to such extent as either it contains exempt information falling within the categories of exempt information referred to in paragraph 10(2) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings)(Wales) Regulations 2001 or it contains the advice of a political adviser.
- 3.5.9 In addition to the rights of access conferred on members of the public and the rights referred to above, a member of a scrutiny committee will be entitled to

copies of any document (except a document which is only in draft form) which is in the possession or control of the Executive or its committees and which contains material relating to any business transacted at a meeting (whether public or private) of Executive, or any decision taken by an individual member of the Executive. However no member of a scrutiny committee shall be entitled to any part of a document where the Monitoring Officer determines that it contains (a) exempt information or confidential information, or (b) the advice of a political adviser, unless it is relevant to an action or decision that is being reviewed or scrutinised by a scrutiny committee or to any review contained in any programme of work of a scrutiny committee.

3.5.10 The right to inspect includes the right to take a copy of the document or to require a copy of the document except where that infringes the copyright in any work.

3.5.11 A Councillor shall not knowingly inspect or ask for a copy of any document relating to a matter in which he or she has a personal interest that would prevent him or her from voting at a meeting of the Council considering such matter

3.5.12 Where information of a possible defamatory nature is contained in a document, inspection of which by a Councillor is permitted, such inspection is allowed on the clear understanding that neither the document nor its contents shall be disclosed or passed on to any other party.

3.5.13 All agenda, reports and other documents and all proceedings of Committees and other bodies shall be treated as confidential matters unless and until they become public in the ordinary course of the Council's business. In particular no Councillor shall disclose any exempt or confidential information unless authorized to do so by law.

3.5.14 Nothing in these rules shall be deemed to affect the right of any Councillor to inspect or copy any document where such right is provided by any statute or regulation or at common law.

#### **Inspection of Council land and premises, etc**

3.5.15 No member of the Council, or 'additional member' co-opted by the Council, may inspect any lands or premises owned or rented by the Council or which the Council has a right or duty to inspect or enter upon or issue any order in respect of any works which are carried out by or on behalf of the Council, unless specifically authorised to do so by the relevant Strategic Director after consultation with the relevant Executive Member (or Leader if the Executive Member is making the request).

#### **Family Absence entitlement**

3.5.16 In circumstances relating to the birth, adoption or assuming the legal responsibility of a child, all Councillors will be entitled to a period of family absence and in doing so can be absent from the meetings of the authority. The details regarding their entitlement including the notification requirements and

their duties whilst on family absence are set out in the Family Absence Policy in Appendix 26 of the Constitution.

### **3.6 Members Salaries**

3.6.1 Councillors will be entitled to receive salaries in accordance with the Members' Remuneration Scheme set out in Appendix 3.

### **3.7 Member champions**

3.7.1 Member champions are elected members who act as an advocate or spokesperson for a specific area of the council business. Member champions exist to provide a voice for traditionally unrepresented groups or issues. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent. They cannot make decisions.

3.7.2 The Leader is responsible for approving member champions. Any member of the council may be a member champion including the Leader. Member champions will normally be appointed following the local government elections that take place every 5 years. An appointment may be made during the five year period to any new position that is established or to a position where there is a vacancy. Any new appointments made by the Leader must be communicated in writing to the Chief Executive and noted by Council.

3.7.4. The Member Champions Protocol and the list of member champions is contained in Appendix 25.

### **Statutory Provisions:**

Parts I and VA and Section 79, Local Government Act 1972

Part III, Chapter I of the Local Government Act 2000

Sections 18 and 19, Local Government and Housing Act 1989 and regulations made under those sections.

## **End of Part Three**