

# ARTICLE 2 - COUNCILLORS

[Statutory References: Part 1, Part V, VA and Section 79, Sections 173-178, Schedules 12 and 12A Local Government Act 1972, Chapter 2, DETR Guidance, Section 18 Local Government and Housing Act 1989 and regulations thereunder]

## 1. COMPOSITION AND ELIGIBILITY

### 1.1 Leader and Executive Arrangements:

#### a) Composition

The Council will comprise 48 Members of the Council, otherwise called Councillors. Three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral 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 hold the office of Councillor.

## 2. ELECTION AND TERMS OF COUNCILLORS

### 2.1 Election by Thirds

The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year beginning in 2002, except that in 2005 and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

## 3. ROLES AND FUNCTIONS OF ALL COUNCILLORS

### 3.1 Key roles for all councillors:

- Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- Represent the interests of their communities, wards and individual constituents and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities, wards and individual constituents;
- Make decisions in the interests of the whole Council area;
- Respond to constituents' enquiries and representations, fairly and impartially;
- Participate in the governance and management of the Council;
- Be available to represent the Council on other bodies; and
- Maintain the highest standards of conduct and ethics.

### 3.2 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.

### 3.3 Councillors 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 or in accordance

with the Members' Code of conduct set out in Part 5 of this Constitution.

- 3.4 For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

#### **4. CONDUCT**

- 4.1 Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution and will where they have a disclosable pecuniary interest, withdraw from any meeting where that matter is being considered.

#### **5. ALLOWANCES**

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

## **COUNCILLOR ROLE PROFILES**

### **Welwyn Hatfield Council** **Role Description**

#### **Councillor**

#### **Purpose of the role:**

To represent the interests of their communities, wards and individual constituents and bring their views into the Council's decision making process i.e. become the advocate of and for their communities, wards and individual constituents, making decisions in the interest of the whole Council area.

#### **Key accountabilities:**

1. To attend meetings of the Council and the Council's committees and panels working corporately to contribute to the development of policy and the decisions taken there.
2. To advocate the needs and aspirations of the residents of their ward to the Cabinet particularly when issues affecting their ward are trailed in the forward plan.
3. To deal with requests for assistance from Members of the public within their ward in dealings with the Council, responding to constituents' enquiries, representations and complaints, fairly and impartially.
4. To be aware of the nature, scale and scope of the Council and to develop and maintain a knowledge of its services, management arrangements, powers, duties and constraints.
5. To seek learning and development opportunities through the Council's member induction and development programme to improve knowledge and skills and be equipped to effectively carry out the role of Councillor.

#### **Other tasks:**

1. To actively contribute to the democratic process by questioning and challenging proposed decisions.
2. Participate in the governance of the Council.
3. Maintain the highest standards of conduct and ethics, complying at all times with the Members' Code of Conduct.
4. Be available to represent the Council on other bodies.
5. To offer comment in other forums and through the press and other media as appropriate.

**Key contacts:**

1. Members of the public within their ward
2. Council Officers
3. Local interest groups
4. Other Councillors

**Welwyn Hatfield Council**  
**Role Description**

**Leader of the Council**

**Purpose of the role:**

To take overall responsibility for the strategic direction to the Council, the guidance given to Officers and to lead the work of the Cabinet.

To work closely with Officers in implementing agreed policies and strategies, and to ensure the implementation of these are in accordance with the policy framework set by the Cabinet and the Council.

**Reporting to:** Cabinet and Council

**Key accountabilities:**

1. Overall responsibility for the strategic direction of the work of the Council and its administration.
2. Providing Leadership within the Council and in the community.
3. Determining the size and Membership of the Cabinet, appointing the Deputy Leader and Cabinet Members and deciding their respective portfolios, allocating decision-making powers to the Cabinet and Cabinet Members, removing and replacing Cabinet Members and identifying Lead Members and Member Champions.
4. Working on the policy framework and budget for approval by the full Council.
5. Ensuring key decisions are made by the Cabinet that accord with the policy framework or budget and ensuring that approval is sought from full Council regarding any proposed change to the policy framework or budget.
6. To set out for Officers and Lead Members a clear statement of the policies to be pursued in respect of the issues falling within their portfolio and oversee their implementation.
7. To work with support from Lead Members to advance these policies including working up reports and recommendations for consideration by the Cabinet.
8. To be accountable and explain the policy positions and decisions taken to implement matters falling within a specified portfolio area at meetings of the full Council, public meetings and through the press and other media.
9. To undertake specific responsibilities as required to ensure strong corporate governance or effective performance management systems exist.

11. To represent the Council at the highest level in dealings with businesses, external agencies, interest groups, voluntary organisations, other local authorities, the Government and the public at large.
12. To keep abreast of national best practice and new initiatives relating to local government so ensuring continuous improvement of Council services.
13. To ensure that the Cabinet responds to recommendations from Committees, Panels, Boards and Sub-Committees as appropriate.
14. To take overall responsibility for ensuring the provision of new member induction and member development programmes which are based on the needs of Councillors to enable them to effectively fulfil their roles.

**Other tasks:**

1. To give Officers clear strategic direction and advice in relation to service delivery.
2. To manage the work of the Cabinet in the absence of any Cabinet Member.
3. To act as Chairman at Cabinet meetings and ensure that business is transacted effectively, lawfully and in accordance with the Council's constitution.
4. To promote partnerships within the community for the wellbeing of the citizens of Welwyn Hatfield.
5. To be accountable and explain the strategies and policies of the Council at meetings of the full Council, public meetings and through the press and other media.
6. To be the focal point for liaison between the Cabinet, other political group leaders and Chairman of the Overview and Scrutiny Committee.
7. To appear before the Overview and Scrutiny Committee to provide information and explanation concerning Cabinet decisions or actions when called upon by the Overview and Scrutiny Committee to do so.

**Key contacts:**

1. The Deputy Leader
2. Other Cabinet Members
3. Lead Members
4. Mayor and Deputy Mayor of the Council
5. Chairman of the Overview and Scrutiny Committee.

6. Political Group Leaders.
7. Chief Executive and Directors
8. Other local authorities and government agencies
9. Partners in Welwyn Hatfield Alliance
10. The public
11. Businesses
12. Voluntary organisations

**Welwyn Hatfield Council**  
**Role Description**

**Deputy Leader of the Council**

**Purpose of the role:**

To support and assist the Leader of the Council in providing strategic direction to the Council, the guidance given to Officers and leading the work of the Cabinet, deputising for the Leader whenever necessary.

If required, to work closely with specified Lead Members (where appropriate) and Officers in implementing agreed policies and strategies, in a specified portfolio area and to ensure that implementation of these is in accordance with the policy framework set by the Cabinet and Council.

**Reporting to:** Cabinet and Council

**Key accountabilities:**

1. To support and assist the Leader in providing Officers with clear strategic direction and advice in relation to service delivery.
2. To support and assist the Leader in managing the work of the Cabinet, including chairing meetings of the Cabinet in the Leader's absence.
3. If required, to set out for Officers and Lead Members (where appropriate) a clear statement of the policies to be pursued in respect of the issues falling within their portfolio and oversee their implementation.
4. If required, to work with support from Lead Members (where appropriate) to advance these policies including working up reports and recommendations for consideration by the Cabinet.
5. If required, to be accountable and explain the policy positions and decisions taken to implement matters falling within a specified portfolio area at meetings of the full Council, public meetings and through the press and other media.
6. To undertake specific responsibilities as required to ensure strong corporate governance or effective performance management systems exists.
7. To represent the Council at the highest level in dealings with businesses, external agencies, interest groups, voluntary organisations, other local authorities, the Government and the public at large.



**Other tasks:**

1. To support the Leader in being accountable and explaining the strategies and policies of the Council at meetings of the full Council, public meetings and through the press and other media.
2. To promote partnerships within the community for the wellbeing of the citizens of Welwyn Hatfield.
3. To meet with special interest groups across Welwyn Hatfield and consider whether or not to recommend changes to policy in the light of such contact.
4. If required, to advocate the budgetary needs and policy position for the specified portfolio area at meetings of the Cabinet
5. To appear before the Overview and Scrutiny Committee to provide information and explanation concerning Cabinet decisions or actions.
6. To review and develop, in conjunction with other Members of the Cabinet the policy framework and budget for recommendation to the full Council.

**Key contacts:**

1. The Leader
2. Other Cabinet Members
3. Lead Members (where appropriate)
4. Mayor and Deputy Mayor of the Council
5. Chairman of the Overview and Scrutiny Committee
6. Political Group Leaders
7. Chief Executive and Directors
8. Other local authorities and government agencies
9. Partners in Welwyn Hatfield Alliance
10. The public
11. Businesses
12. Voluntary organisations

**Welwyn Hatfield Council**  
**Role Description**

**Cabinet Member**

**Purpose of role:**

To take responsibility, with the Leader and Deputy Leader, for the strategic direction of the Council, and make an effective input to corporate strategies, policies, and the overall budget and policy framework.

To work closely with specified Lead Members (where appropriate) and Officers in implementing agreed policies and strategies, in a specified portfolio area and to ensure that implementation of these is in accordance with the policy framework set by the Cabinet and Council.

**Reporting to:** Cabinet and the Council

**Key accountabilities:**

1. To support and assist the Leadership in providing Officers with clear strategic direction and advice in relation to service delivery.
2. To set out for Officers and Lead Members (where appropriate) a clear statement of the policies to be pursued in respect of the issues falling within their portfolio and oversee their implementation.
3. To work with support from Lead Members (where appropriate) to advance these policies including working up reports and recommendations for consideration by the Cabinet.
4. To be accountable and explain the policy positions and decisions taken to implement matters falling within a specified portfolio area at meetings of the full Council, public meetings and through the press and other media.
5. To undertake specific responsibilities as required to ensure strong corporate governance or effective performance management systems exist.

**Other tasks:**

1. To meet with special interest groups across Welwyn Hatfield and consider whether or not to recommend changes to policy in the light of such contact.
2. To advocate the budgetary needs and policy position for the specified portfolio area at meetings of the Cabinet.
3. To appear before the Overview and Scrutiny Committee to provide information and explanation concerning Cabinet decisions on actions concerning the specified portfolio.

4. To offer comment in the press and other media as needed on specified portfolio issues following consultation with the Leadership.
5. To review and develop, in conjunction with other Members of the Cabinet, the policy framework and budget for recommendation to the full Council.

**Key contacts:**

1. The Leader
2. Other Cabinet Members
3. Lead Members (where appropriate)
4. Chief Executive, Directors and Assistant Directors
5. Special interest groups
6. Relevant Partners
7. The public

**Welwyn Hatfield Council**  
**Role Description**

**Chairman of a Cabinet Panel**

**Purpose of the role:**

To act as Chairman of a Cabinet Panel and ensure that the business of the Panel is transacted in a proper and democratic manner.

**Key accountabilities:**

1. To chair meetings of the Cabinet Panel in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from Officers conduct the business specified by the Cabinet at the time of setting up the Panel and make appropriate reports and recommendations to the Cabinet.

**Other tasks:**

1. To liaise as necessary with the Cabinet.
2. To refer matters to the Overview and Scrutiny Committee for comment as appropriate.

**Key contacts:**

1. The Cabinet
2. Chief Executive, Directors and Assistant Directors as appropriate
3. Parties involved in the matter being considered by the Panel

**Welwyn Hatfield Council**  
**Role Description**

**Chairman of the Overview and Scrutiny Committee**

**Purpose of the role:**

To lead the work of the Overview and Scrutiny Committee in undertaking policy and review and development, undertaking scrutiny of decisions made or actions taken in connection with the Council's functions, and drafting recommendations for the Cabinet to consider.

**Key accountabilities:**

1. To chair meetings of the Overview and Scrutiny Committee in accordance with the letter and spirit of the Council's Constitution ensuring that business is transacted in a proper and democratic manner.
2. To drive the work of the Committee in conjunction with the Cabinet, relevant Officers and other Members of the Committee to ensure that there is a planned programme of work.
3. To lead the work of the Committee in deciding how best to investigate specific policy issues and determining the appropriate range and methods of engaging with proposed consultees.
4. To lead the work of the Committee in deciding what and how best to scrutinise issues with particular reference to the Forward Plan, Publication of Cabinet Decision List and Cabinet papers.
5. To guide Officers in drafting reports and/or recommendations to the Cabinet, ensuring that the reasoning of the Committee is apparent.

**Other tasks:**

1. To ensure that written information is properly considered and that courtesy and care is shown to those providing information to the Committee.
2. To ensure that fair and open debate takes place and whenever appropriate, with proper scrutiny of the rationale and reasoning behind a decision.
3. To ensure as far as possible that a consensus opinion emerges in respect of policy proposals.
4. To liaise on a regular basis with the Cabinet, in particular the appropriate portfolio holder(s), when developing both work plans and policy proposals, ensuring that timescales set by the Cabinet in respect of the development of the budget and policy framework are met.
5. To deal with issues referred by a Cabinet Panel within any required timescale.

6. To ensure that Members of the Committee are fully engaged in respect of the Committee's involvement in best value reviews and that Officers receive appropriate comments and guidance.
7. To ensure as far as possible that the scrutiny work of the Committee is conducted in a non political and non partisan manner.
8. To lead on the implementation of the call-in powers of the Committee whenever appropriate.

**Key contacts:**

1. The Cabinet, in particular the appropriate portfolio holder(s)
2. Chief Executive, Directors and Assistant Directors as appropriate
3. Special interest groups
4. The public

**Welwyn Hatfield Council**  
**Role Description**

**Chairman of the Licensing Committee**

**Purpose of the role:**

To act as Chairman of the Licensing Committee and ensure that the business of the Committee is transacted in a proper and democratic manner and in compliance with the appropriate statutory requirements.

**Key accountabilities:**

1. To chair meetings of the Licensing Committee in accordance with the letter and spirit of the Council's Constitution., relevant licensing policies, licensing legislation and ensure that the statutory licensing objective are reflected in all decisions taken.
2. In conjunction with advice from Officers to ensure that the procedures adopted by the Committee accord at all times with the rules of natural justice.
3. To ensure that all Members of the Committee have undergone proper training in respect of the conduct of quasi judicial proceedings.

**Other tasks:**

1. To ensure that written evidence is properly considered and that courtesy, care and proper balance is shown when recording evidence from witnesses and applicants.
2. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
3. To alert the Cabinet and Officers to any need for policy review or revision.
4. To take advice from Officers present as necessary.

**Key contacts:**

1. Service Director (Resident and Neighbourhood) and other senior Legal Officers
2. Officers in Public Health and Hackney Carriages.
3. The Applicant and any representative
4. Witnesses involved in the consideration of an application or appeal
5. The Hackney Carriage and Private Hire trade
6. Other relevant organisations
7. The Cabinet

**Welwyn Hatfield Council**  
**Role Description**

**Chairman of the Development Management Committee**

**Purpose of the role:**

To act as Chairman of the Development Management Committee and ensure that the business of the Committee is transacted in an effective and democratic manner and in compliance with the appropriate statutory requirements.

**Key accountabilities:**

1. To chair meetings of the Development Management Committee in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from Officers to lead the Committee to consistent, reasonable and lawful decisions with relevant planning policies, other material considerations, government policy, the views and advice of Officers and the views of other parties being adequately considered and balanced.
3. To ensure all Members of the Committee have undergone proper training in dealing with planning matters.

**Other tasks:**

1. To conduct the business of the Committee in accordance at all times with the Local Code of Guidance for Members and Officers involved in planning matters.
2. To liaise as necessary with the Cabinet.
3. To offer comment in the press and other media as needed, on the decisions and processes of the Committee.
4. To alert the Cabinet and Officers to any need for policy review or revision.
5. To take advice from Officers present as necessary.
6. To offer comment in the press and other media as needed, on the decisions and processes of the Committee.

**Key contacts:**

1. Executive Director (place)
2. Assistant Director (Planning) and other senior Planning Officers
3. The Cabinet



**Welwyn Hatfield Council**  
**Role Description**

**Chairman of the Standards Committee**

**Purpose of the role:**

To act as Chairman of the Standards Committee and ensure that the business of the Committee is transacted in a proper and democratic manner.

**Key accountabilities:**

1. To chair meetings of the Standards Committee in accordance with the letter and spirit of the Council's Constitution.
2. In conjunction with advice from the Monitoring Officer lead the Committee in its work of promoting and monitoring high standards of conduct by Members and co-opted Members.
3. To ensure that all Members and co-opted voting Members of the Council and the Town and Parish Councils within the Council's administrative area have undergone standards training.

**Other tasks:**

1. To ensure that the Council is advised in respect of matters relating to the operation of the Members Code of Conduct as necessary and that the same advice is available to the Town and Parish Councils.
2. To deal with reports or recommendations from the Monitoring Officer in accordance with the procedures laid down.
3. To take advice from the Monitoring Officer as necessary.

**Key contacts:**

1. The Monitoring Officer and Deputy Monitoring Officers
2. The Chief Executive and other Senior Officers
3. Members
4. Witnesses involved in the consideration of a Member conduct matter

**Welwyn Hatfield Council**  
**Role Description**

**Chairman of the Alcohol and Regulated Entertainment Licensing Committee**

**Purpose of role:**

To act as Chairman of the Alcohol & Regulated Entertainment Licensing Committee and ensure that the business of the Committee is transacted in an effective and democratic manner and in compliance with the appropriate statutory requirements.

**Key accountabilities:**

1. To chair meetings of the Alcohol & Regulated Entertainment Licensing Committee in accordance with the letter and spirit of the Council's Constitution, relevant licensing policies, licensing legislation and ensure that the statutory licensing objectives are reflected in all decisions taken.
2. In conjunction with advice from Officers to ensure that the procedures adopted by the Committee accord at all times with the rule of natural justice.
3. To ensure that all Members of the Committee have undergone proper training in respect of the conduct of quasi judicial proceedings.

**Other tasks:**

1. To ensure that evidence both written and oral is properly considered and that courtesy, care and proper balance is shown when receiving evidence from witnesses and applicants.
2. To ensure that fair and open debate takes place with proper recording of the rationale and reasoning behind decisions.
3. To alert the Cabinet and Officers to any need for policy review or revision.
4. To take advice from Officers present as necessary.

**Key contacts:**

1. Monitoring Officer and senior Legal Officers.
2. Service Director (Resident and Neighbourhood)
3. Licensing Officers
4. The Applicant and any representative.
5. Witnesses involved in the consideration of an application.
6. The Cabinet

**Welwyn Hatfield Council**  
**Role Description**

**Chairman of the Audit**

**Committee Purpose of role:**

To act as Chairman of the Audit Committee and ensure that the business of the Committee is transacted in an effective and democratic manner.

**Key accountabilities:**

1. To chair meetings of the Audit Committee in accordance with the letter and spirit of the Council's Constitution.
  
7. In conjunction with advice from the Chief Finance Officer, External Audit Lead, Anti-Fraud Lead and Internal Audit lead the Committee in its work of providing independent assurance of the effectiveness of the Council's internal control environment.

**Other tasks:**

1. To ensure that the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens its internal control environment is independently scrutinised.
  
2. To take advice from the Chief Finance Officer and External Audit.

**Key contacts:**

1. Chief Finance Officer
  
2. External Audit
  
3. The Chief Executive, Directors and other Senior Officers
  
4. Members
  
5. Internal Audit