

# Article 2 – Members of the Council

## Aims

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

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

### 2.01 Composition of the Council and Eligibility to be a Councillor

- (a) The Council comprises 72 elected members, otherwise called councillors. The councillors for each ward are elected by the voters of that ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State (currently 3 per ward).
- (b) Only registered voters of the district; those living or working in the district; or those who own property in the area are eligible to hold the office of councillor as specified in the Local Government Act 1972.

### 2.02 Election and Terms of Office of Councillors

Within Sandwell, the ordinary local election of one third of all councillors is normally held on the first Thursday in May in each year with no local election held in the fourth year. The terms of office of councillors is for four years, commencing at the start of the fourth day after being elected and finishing at the start of the fourth day after the date of the regular election four years later.

### 2.03 Roles and functions of all councillors

- (a) **Key Roles.** All councillors:
  - (i) will collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;

- (ii) will represent their communities and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities;
- (iii) will deal with individual casework and act as an advocate for constituents (Sandwell residents) in resolving particular concerns or grievances;
- (iv) may use the councillor call for action process introduced by the Local Government and Public Involvement in Health Act 2007 , the Police and Justice Act 2006 and the Localism Act 2011, as the councillor sees fit, to resolve issues and problems on behalf of those who live or work in the ward.
- (v) will balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- (vi) will be engaged in decision making as a community representative and as appropriate to any role they may be appointed to by the Council;
- (vii) will recognise and accept their responsibilities as a corporate parent and seek for those children in the care of the local authority, the same outcomes that a good parent would want for their own children;
- (viii) will be available to represent the Council on other bodies;  
and
- (ix) will maintain the highest standards of conduct and ethics.

**(b) Rights and Duties**

- (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii) Councillors will not disclose or cause to be disclosed 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.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (iv) Councillors will abide by the principles of the Data Protection legislation and will be independently responsible under the legislation for their actions as a registered data controller otherwise under the same terms and conditions as would apply to an employee when processing data provided to them by the Council, its partners or agents.

#### **2.04 Conduct**

Councillors will at all times be guided by the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

#### **2.05 Allowances**

In recognition of their personal commitment to residents as a local councillor and to reflect any special responsibilities placed on them by the Council, councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.