

Additional Information with regard to absent Members

Section 85 of the LGA 1972 carried over directly from s.63 of the Local Government Act 1933 expressly provides that where a council member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, then subject to certain exceptions, they cease to be a member of the authority at which point the authority is under a duty to declare the office vacant under s.86 unless the failure was due to some reason approved before the expiry of that period.

Para 4.80, Page 99 Knowles on Local Authority Meetings – A Manual of Law and Practice

Constitution – June 2018

Article 2 – Members of The Council

2.1 Composition and Eligibility

(a) Composition

The Council will comprise 42 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the District or those living or working there will be eligible to hold the office of Councillor.

2.2 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2015. The Terms of Office of Councillors 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 Councillors

Key roles

All Councillors will:

- (a) Irrespective of the ward to which they are elected, have as their overriding duty the representation of interest of the whole community of Mid Devon collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (b) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions and will contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (c) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their

communities and effectively represent the interest of their ward and of individual constituents;

- (d) Deal with individual casework and may act as an advocate for constituents in resolving particular concerns or grievances and respond to constituent's enquiries and representations, fairly and impartially;
- (e) Balance different interests identified within the ward and represent the ward as a whole
- (f) Be involved in decision-making
- (g) Be available, where possible, to represent the Council on other bodies; and
- (h) Maintain the highest standards of conduct and ethics.

2.4 Rights and Duties

- (a) 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.
- (b) Councillors shall not disclose information which is confidential or where disclosure is prohibited by law. If in doubt Councillors should seek guidance from the Monitoring Officer.
- (c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.5 Conduct

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

Councillors must promote and maintain high standards of behaviour as per the seven Nolan principles:

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

2.6 Allowances

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

