

# Public Document Pack



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## CONSTITUTIONAL REVIEW WORKING PARTY

28 JULY 2011

A meeting of the Constitutional Review Working Party will be held at **9.30 am on Thursday, 28 July 2011** in the Austen Room, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Independent Members: Mr R Hills (Chairman) and Mr B Hinchley (Vice-Chairman);

Councillors: K Gregory, Hayton, Nicholson, Watkins and Wright

## SUPPLEMENTARY AGENDA NO. 1

Item  
No

Subject

4. **MEMBER ROLE DESCRIPTIONS** (Pages 1 - 14)

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## MEMBER ROLE DESCRIPTIONS

To: **Constitutional Review Working Party – 28 July 2011**

Main Portfolio Area: **Democratic Services**

By: **Head of Legal and Democratic Services**

Classification: **Unrestricted**

Ward: **N/A**

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**Summary:** **The report asks the Constitutional Review Working Party whether it would wish to consider the introduction of Member Role Descriptions.**

### For Decision

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#### **1.0 Introduction and Background**

1.1 In May 2010 an audit of the 'Local Code of Corporate Governance' by the East Kent Audit partnership resulted in a recommendation as follows:

'The Council should establish Member role descriptions and publish these on the Council website'

1.2 The management response to the recommendation was: "This recommendation has been put forward to the new Leader of the Council, and will be given consideration in due course".

1.3 A report was then taken to the January 2011 meeting of the Constitutional Review Working Party where a more detailed report was requested.

#### **2.0 The Current Situation**

2.1 The Leader has asked that the idea of Member Role descriptions be investigated. In order for Member Role Descriptions to be implemented changes to the Council's Constitution would need to be made, hence this report to the Constitutional Review Working Party.

2.2 At the January 2011 meeting of the Constitutional Review Working Party a copy of Dover District Council's Member Role Descriptions were appended to the report.

2.3 These role descriptions have now been amended to reflect Thanet District Council's Council structure. These role descriptions are attached at Annex 1.

2.4 It is for the Working Party to decide if it feels that the role descriptions attached at Annex 1 reflect the roles they are for. The Working Party may wish to add detail or amend the role descriptions as they see fit.

#### **3.0 Why Introduce Role Descriptions?**

3.1 There are a number of perceived benefits of having Member Role Descriptions in the Council's Constitution :-

- To aid the public in understanding the various roles that Members may be expected to perform.
- To assist new Members in understanding the various roles that Members may be expected to perform.
- To assist Group Leaders in nominating Members of their Group to the various roles

#### **4.0 Options**

4.1 The Constitutional Review Working Party can recommend the introduction of Member Role Descriptions as set out at Annex 1 or as amended as the Working Party see fit.

4.2 The Constitutional Review Working Party can recommend not introducing Member Role Descriptions

#### **5.0 Corporate Implications**

##### **5.1 Financial**

5.1.1 There are no financial implications.

##### **5.2 Legal**

5.2.1 There are no legal implications.

##### **5.3 Corporate**

5.3.1 The introduction of Member Role descriptions would mean that the Council's Constitution would have to be amended.

##### **5.4 Equity and Equalities**

5.4.1 None Apparent

#### **6.0 Recommendation**

6.1 The Working Party's instructions are requested.

#### **6.0 Decision Making Process**

6.1 If the Constitutional Review Working Party recommends that the Council proceeds with Member Role Descriptions then the report will be forwarded to Standards Committee.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Harvey Patterson, Corporate and Regulatory Services Manager

#### ***Annex List***

Annex 1	Suggested Member Role Descriptions
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#### ***Background Papers***

<b>Title</b>	<b>Details of where to access copy</b>
<i>None</i>	

**Corporate Consultation Undertaken**

Finance	<i>N/A</i>
Legal	<i>Harvey Patterson, Head of Legal &amp; Democratic Services</i>
Communications	<i>Justine Wingate, Corporate Information Manager</i>

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## **1. Ward Councillor**

### *Purpose of Role:*

To participate constructively and effectively in the good governance of Thanet District Council.

### **Duties and responsibilities:**

- (i) To observe the Members' Code of Conduct, act at all times with probity and propriety in the best interests of the Council and maintain confidentiality in all relevant Council business.
- (ii) To be collectively the ultimate policy-makers by contributing actively to the formation and scrutiny of the Council's policies, budget, strategies and service delivery
- (iii) To represent effectively and impartially the Ward to which they were elected and bring their communities' views and concerns into the Council's decision-making process by becoming the advocate of and for their communities.
- (iv) To champion causes which best relate to the interests and sustainability of the community and campaign for improvement of quality of life in the community in terms of equity, economy and the environment.
- (v) To respond to constituents' enquiries and representations fairly and impartially, to deal with individual casework and act as advocate in resolving constituents' particular concerns or grievances.
- (vi) To participate effectively as a Member of any Committee, Sub-Committee, working party or other body to which they are appointed and to develop and maintain a working knowledge of the Council's services, powers, duties, policies and practices including a good working relationship with officers of the Council.
- (vii) To represent the Council effectively on any outside body to which they are appointed, providing two-way communication between the organisations and reporting to the Council on the work of the body and its contribution to the District.
- (viii) To develop and maintain a working knowledge of other organisations and services within the District including the promotion of partnership working.
- (ix) To contribute constructively to open government and generally encourage all sections of the community to participate in the democratic process.
- (x) When unable to attend a meeting of Committee or other body to which they have been appointed a member, to find a suitable substitute for the meeting and advise the Democratic Support section of the substitution.
- (xi) To attend Member training whenever possible in order to develop competencies, increase knowledge and receive updated information.

## **2. Chairman of a Committee**

### *Purpose of Role:*

To chair meetings of the Committee to which they have been appointed by Council in accordance with the Committee's terms of reference and to provide leadership and direction to the Committee.

### *Duties and responsibilities (in addition to those of a Ward Councillor):*

- (i) To develop a constructive relationship with the relevant Head of Service, senior officers and appropriate Portfolio Holder.

- (ii) To maintain a good working relationship with the Vice-Chairman and Group Spokespersons of the committee and ensure they are adequately briefed on all relevant issues.
- (iii) To be consulted as necessary on addition of items to the agenda as a matter of urgency.
- (iv) To attend briefing meetings with appropriate senior officer(s) as necessary.
- (v) To uphold the Council's Constitution for the conduct of meetings.
- (v) To chair effective and efficient meetings of the committee ensuring that approved procedures are followed, all members of the committee are given equal opportunity to debate business to be conducted, and order is maintained during the meeting.
- (vi) To ensure that the Council's decision making process is transparent, consistent and accountable.
- (vii) To use the Chairman's casting vote as and when appropriate.
- (viii) To vary the order of business if considered appropriate.
- (ix) To approve the final draft Minutes or Notes submitted by Democratic Services officers, suggesting amendments if necessary, and to sign the Minutes/Notes as a correct record of the meeting when approved by the committee at the following meeting.

### **3. Chairman of the Overview & Scrutiny Panel**

#### *Purpose of Role:*

To chair the Council's Overview and Scrutiny Panel to ensure effective consideration and scrutiny by the Panel of decisions, proposals and reports of the Cabinet.

#### *Duties and responsibilities (in addition to those of a Chairman of a Committee):*

- (i) At all times to use their own discretion and act in the interests of the Council and not of their political group.
- (ii) To lead the Panel on scrutiny of the Council's policies, budget, strategies and service delivery as appropriate.
- (iii) To set the agenda for Panel meetings, with assistance from officers.
- (iv) To assist with formulation of the agreed work programme.
- (v) To represent the Panel's views and present its resolutions to meetings of the Cabinet, Council or other Committees.
- (vi) To promote the role of overview and scrutiny within and outside the Council.
- (vii) To meet regularly with relevant officers to ensure the receipt of appropriate independent advice.
- (viii) To be fully aware of the Council's Forward Plan and to ensure that the Panel is able to consider all relevant issues within the timescale set out in the work programme.
- (ix) To provide agreement where appropriate for special urgency decisions to be implemented if not in the Forward Plan, in accordance with relevant guidelines.
- (x) To fully involve external stakeholders such as service users, expert witnesses and partners in overview and scrutiny activities.
- (xi) To call in a decision of the Executive in accordance with the agreed procedure.
- (xii) To contribute effectively to the Council's scrutiny process by ensuring the questioning of the relevant officers on performance management.



#### **4. Chairman of Planning Committee**

*Purpose of Role:*

To chair meetings of the Council's Planning Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee and open and transparent decision making on planning applications brought to Committee.

*Duties and responsibilities (in addition to those of a Chairman of a Committee):*

- (i) At all times to use their own discretion and act in the interests of Thanet District Council and not of their political group.
- (ii) To be fully conversant with the procedure for public speaking at Committee and to ensure that all parties are given an equal opportunity to express their views within that procedure.
- (iii) Whenever possible to attend and chair site visits, ensuring that the correct procedure is followed in order for Members to obtain the necessary information from the visit.
- (iv) To maintain and update a working knowledge of Town and Country Planning matters, Planning Policy Guidance and Planning Policy Statements, the Council's Local Development Framework, and other policies and practices affecting applications for planning permission which come before Committee.

#### **5. Chairman of Standards Committee**

*Purpose of Role:*

To chair meetings of the Council's Standards Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee in close liaison with the Council's Monitoring Officer

*Duties and responsibilities (in addition to those of a Chairman of a Committee):*

- (i) As an independent, non-elected member of the Council to be conversant with the protocols and practices of the Council insofar as they affect the conduct of elected District or Parish councillors who may be required to appear before the Committee or its Sub-Committees.
- (ii) To be fully conversant with the Council's Code of Conduct, the work of the Standard's Board for England in respect of the Code of Conduct and the procedures for hearing complaints against elected District or Parish councillors.
- (iii) To assist the Council's Monitoring Officer as required with training elected councillors, both District and Parish.
- (iv) To liaise with the appropriate officers on reports.
- (v) To submit a report to the Annual Meeting of the Council on the work of the Standards Committee during the previous year.
- (vi) To attend the Annual Conference of Standards Committees at least once during their term of office and to attend the Kent and Medway Independent Standards Committee.

## **6. Chairman of Licensing Board**

### *Purpose of Role:*

To chair meetings of the Council's Licensing Board in accordance with the Board's terms of reference; to provide leadership and direction to the Board and open and transparent decision making on licensing matters brought to Board.

### *Duties and responsibilities (in addition to those of a Chairman of a Committee):*

- (i) At all times to use their own discretion and act in the interests of the Licensing Authority and not of their political group.
- (ii) To be fully conversant with the procedure for hearings at Committee and to ensure that all parties are given an equal opportunity to express their views within that procedure.
- (iii) To liaise with the Council's Regulatory Services Manager and Legal department as necessary.
- (iv) To maintain and update a working knowledge of the Licensing Act 2003, relevant guidelines and regulations, and the Gambling Act 2005 as they affect applications which come before the Licensing Board.
- (v) To maintain and update a working knowledge of the various licences dealt with by the Council's Licensing Section, the guidelines for fit and proper persons and the Council's guidelines and policies in respect of the Hackney Carriage and Private Hire trades as they affect applications and other matters brought before the Licensing Board.
- (vi) To undertake training on new or amended legislation, regulations or procedures as required.

## **7. Chairman of Governance and Audit Committee**

### *Purpose of Role:*

To chair meetings of the Council's Governance and Audit Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee on detailed financial and audit matters brought before Committee.

### *Duties and responsibilities (in addition to those of a Chairman of a Committee):*

- (i) Maintain and update a working knowledge of the Council's financial practices, budget process and timetable, draft and year end accounts
- (ii) Have an overall understanding of the various functions and service areas of the Council with regard to audit reports on performance levels.
- (iv) To work closely with the Head of Audit Partnership, Financial Services Manager and Deputy S.151 Officer and the Business Support and Compliance Manager in respect of reports to be considered by Committee.
- (v) To undertake training on new or amended legislation, regulations or procedures as required.

## **9. Chairman of General Purposes Committee (when appointed)**

### *Purpose of Role:*

To chair meetings of the Council's General Purposes Committee in accordance with the Committee's terms of reference; to provide leadership and direction to Members on matters which would otherwise have been dealt with by Council.

### *Duties and responsibilities (in addition to those of a Chairman of a Committee):*

- (i) To have a clear understanding of the role of the Committee and the matters which it can consider and those powers and functions which are reserved to Council.
- (ii) Have an overall understanding of the various functions and service areas of the Council.
- (iii) Maintain and update a working knowledge of the Council's terms and conditions of employment.
- (iv) To work closely with the Chief Executive and the Service Managers as necessary.

## **10. Cabinet Member**

### *Purpose of Role:*

- (i) To carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Council's Constitution.
- (ii) In addition, to have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which they are accountable,

### *Duties and responsibilities (in addition to those of a Ward Councillor):*

- (i) To participate effectively as a member of the Cabinet, being responsible collectively and individually for making and implementing executive decisions, including proposing for adoption the Council's budget and policy framework.
- (ii) To review regularly the effectiveness of policies and services for which the portfolio holder is responsible and make recommendations to the Cabinet for continuous improvement.
- (iii) To seek advice from relevant officers before taking any decision which may be within their own delegated authority.
- (iv) To monitor and review capital and revenue budgets in their areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.
- (v) Annually to review fees and charges where these are relevant to the responsibility areas and to recommend changes in line with the Council's agreed budget strategy.
- (vi) To liaise and work with other portfolio holders on cross-cutting areas of responsibility and make recommendations to the Cabinet as appropriate for decision.

- (vii) To consider and agree service plans for services for which they are responsible and regularly review these with appropriate officers to ensure agreed actions are taken.
- (viii) To identify and encourage participation and consultation on Council policies and strategies contained in the Corporate Plan with all members of the Council, staff, residents of the District, partners and stakeholders and to promote the Council's core values.
- (ix) To speak on behalf of the Council and to represent the Council on relevant external bodies to which they are appointed by the Council or the Executive.
- (x) To refer to Cabinet any matters with corporate implications.
- (xi) To receive representations from Councillors acting in their capacity as Ward members in relation to the provision of services to residents within their area.
- (xii) To exercise delegated powers in accordance with the Council's Constitution.
- (xiii) To make a decision in accordance with the Council's Constitution in a case where a matter is urgent and cannot wait for the next meeting of the Cabinet.

## **11. Leader of the Council**

### *Purpose of Role:*

- (i) To provide strategic direction and political leadership to the Council and lead in its relations with government, other public bodies, partner organisations and the media.
- (ii) To be responsible for:
  - Leadership
  - Policy co-ordination and development
  - Partnership development
  - Strategic budget co-ordination
  - Communications
  - Corporate Plan
  - Community strategy

### *Duties and responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee):*

- (i) To provide effective political leadership and strategic direction to the Council, stakeholders and partners in the overall co-ordination of Council policies, strategies and service delivery and to achieve the objectives of the Council's Corporate Plan.
- (ii) To ensure effective corporate governance including working with opposition groups to achieve, where possible, cross-party co-operation and to promote the highest standards of probity.
- (iii) To lead the Cabinet and chair its meetings, ensuring that it meets its collective terms of reference and that of individual portfolio holders, and be responsible for the Council's corporate and resource strategy.
- (iv) To lead the development of local, regional, national and European policy and strategic partnerships.
- (v) To lead in developing partnerships with agencies, residents and stakeholders in relation to the delivery of strategic objectives and the provision of services to residents of the District in accordance with the community planning process.
- (vi) To be the key contact for outside organisations including central government, to communicate policies and priorities to the Council's Senior Management Team (SMT) and to receive its advice.

- (vii) To positively promote the Council and the District in the media and to act as the political spokesperson for the Council.
- (viii) To promote the long term financial, business and economic stability of the Council.
- (ix) To ensure that the recommendations of the Overview and Scrutiny Committees are fully considered in the formulation and development of Council policy.
- (x) Annually to appoint members of the Cabinet and determine the individual portfolio holders.
- (xi) To exercise delegated powers in accordance with the Council's Constitution.
- (xii) To consult on and give consent to as appropriate decisions taken between meetings of Cabinet as set out in the Council's Constitution.
- (xiii) To nominate members of his/her group to serve on committees and sub-committees of the Council.
- (xiii) To give an oral report to each ordinary meeting of Council.

## **12. Deputy Leader**

### *Purpose of the role:*

To support the Leader and fulfil all areas of responsibility of the Leader in their absence and to ensure that the Council's management and political processes function effectively.

### *Duties and responsibilities (in addition to those of a Ward Councillor and a Chairman of a Committee):*

- (i) To assist and work with the Leader of the Council.
- (ii) In the absence of the Leader of the Council, to deputise for them at Council meetings and chair meetings of the Cabinet.
- (iii) To carry out the requirements of the Leader's job profile in as far as legally possible and permissible, in the absence of the Leader.
- (iv) To carry out such duties and undertake portfolio responsibility as delegated by the Leader of the Council.

## **13. Leader of the majority opposition group**

### *Purpose of Role:*

- (i) To provide leadership to the Council's major opposition group.
- (ii) To ensure effective, positive and constructive opposition and/or challenge to the Council's majority group.

### *Duties and Responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee):*

- (i) To provide overall leadership to the Council's major opposition group;
- (ii) To lead effectively the opposition and/or challenge to the majority group at the Council and provide, as appropriate, alternatives or amendments to the Council's policies, strategies and budgets and proposed amendments thereto.
- (iii) To act as the principal political spokesperson for the major opposition group.
- (iv) To meet regularly with his/her group members to ensure good communications and to inform effective opposition

- (v) To maintain effective relationships with the Leader of the Council, members of the Executive, the Chief Executive, Service Managers and other relevant senior officers, to meet them as required to ensure effective briefings on service and relevant corporate areas and any other relevant issues pertaining to the Council.
- (vi) To nominate members of his/her group to serve on committees and sub-committees of the Council.
- (vii) To ensure effective contact with community representatives and other local stakeholders, as appropriate, and represent their views in ensuring effective opposition to the majority party.

#### **14. Shadow Cabinet Member**

*Purpose of Role:*

To assist the Leader of the Majority Opposition Group by providing informed comment and advice in respect of their particular shadow portfolio and with regard to the work being undertaken by the current Portfolio Holder.

*Duties and responsibilities (in addition to those of a Ward Councillor):*

- (i) To provide constructive challenge to the policies of the administration.
- (ii) To assist in shaping the policy of the Opposition Group with regard to its shadow portfolio.
- (iii) To liaise and work with other shadow portfolio holders on cross-cutting areas of responsibility.
- (iv) To receive briefings at regular intervals from Senior Officers of the Council as required.
- (v) To participate effectively as a member of the Shadow Cabinet by becoming thoroughly conversant with the area of expertise relevant to their specific portfolio.

#### **15. Chairman of the Council**

*Purpose of Role:*

The Chairman will be elected by the Council annually to:

- (i) Be the Civic Head of the Council representing the Council as a whole in all civic and ceremonial matters; and
- (ii) Preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community.

*Duties and responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee):*

Ceremonial Role

- (i) The Chairman will attend such civic and ceremonial functions as the Council and he/she determines appropriate having regard to criteria determined in consultation with the Leader of the Council for which events require a civic/ceremonial presence.
- (ii) To positively promote the Council and the District.

Chairing the Council Meeting

- (i) To uphold and promote the purposes of the Council's Constitution and to interpret the Constitution when necessary.
- (ii) To preside over meetings of the Council in an impartial manner.
- (iii) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are neither on the Executive nor hold Committee chairs are able to hold the Executive and Committee chairmen to account.
- (iv) To promote public involvement in the Council's activities.
- (v) To be the conscience of the Council.
- (vii) To be the arbiter in respect of appropriate decisions taken between meetings of Cabinet where the call-in procedure should not apply.

**16. Vice-Chairman of the Council**

*Purpose of Role:*

To support the Chairman of the Council and, in his/her absence, to have the same roles and functions as the Chairman.

*Duties and Responsibilities:*

- (i) To attend such civic functions and events as shall be requested by the Chairman.
- (ii) To assist the Chairman at meetings of Council as necessary.

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