

Terms of Reference

Roles and Responsibilities

Elected Members of St Davids City Council



Date Approved by Council: 18 May 2026

Date due for review: May 2027

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Introduction

All elected members of St Davids City Council are bound by the Model Code of Conduct adopted by the Council and must act in accordance with its provisions at all times. This document outlines the specific roles, responsibilities, and limitations for the Mayor/Chair, Deputy Mayor/Vice-Chair, and Councillors, but does not supersede or replace any requirements specified in the Code of Conduct.

1. Mayor/Chair

Appointment and Status

1. The Mayor/Chair shall be elected annually from among the councillors as the first item of business at the Annual Meeting of the Council.¹
2. Upon election, the Mayor/Chair shall make and deliver a declaration of acceptance of office in the presence of a councillor or the Proper Officer (Clerk).²
3. The Mayor/Chair shall continue in office until their successor is elected at the next Annual Meeting, unless they resign, are persistently absent, become disqualified, or cease to be a councillor.³
4. The Mayor/Chair's term is not tied to the electoral cycle for councillors; they may continue in office even if not re-elected as a councillor until the election of a new Mayor/Chair.⁴

Powers and Duties

1. **Presiding at Meetings:** The Mayor/Chair must preside at all Council meetings when present. If they have declared an interest in an agenda item, they should hand over to the Deputy Mayor/Chair or another member for that item and leave the room if the interest is prejudicial.⁵

¹ Local Government Act 1972, Schedule 12, Part IV, Paragraph 23.

² Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004 (SI 2004 No 1508).

³ Local Government Act 1972, Sections 15(4) and 34(4).

⁴ Local Government Act 1972, Sections 15(4) and 34(4).

⁵ Local Government Act 1972, Schedule 12, Part IV.

2. **Convening Meetings:** The Mayor/Chair may convene a meeting of the Council at any time on three clear days' notice.⁶
3. **Extraordinary Meetings:** The Mayor/Chair may call an extraordinary meeting at any time. Additionally, if the Mayor/Chair refuses to call an extraordinary meeting after receiving a requisition signed by two councillors, any two councillors may convene the meeting. In all cases, the summons to attend such meetings must be signed by the Proper Officer, not the Mayor/Chair or councillors.⁷
4. **Ensuring Effective Governance:** The Mayor/Chair is responsible for:
 - a. Ensuring all councillors are involved in discussions.
 - b. Keeping discussions focused and relevant.
 - c. Summarising debates and facilitating clear resolutions.
 - d. Managing meeting length appropriately.
 - e. Casting a second (casting) vote in the event of a tie.⁸
5. **Civic Role:** The Mayor/Chair serves as the public face of the Council at official events and ceremonies, representing the Council in the community.
6. **Declaration of Interests:** The Mayor/Chair must declare personal and prejudicial interests in accordance with the Code of Conduct. When the Mayor/Chair has a prejudicial interest in an agenda item, they must withdraw from the meeting for that item after making any permitted representations during public participation periods.

Limitations

1. The Mayor/Chair has no authority to make decisions on behalf of the Council individually.⁹
2. The Mayor/Chair cannot instruct Council staff directly outside of Council meetings. All staff matters must be handled through proper Council procedures.¹⁰
3. The Mayor/Chair must only express the agreed views of the Council when speaking publicly in their official capacity, not personal opinions.

⁶ Local Government Act 1972, Schedule 12, Part IV, Paragraph 26(2).

⁷ Local Government Act 1972, Schedule 12, Part IV, Paragraph 25.

⁸ Local Government Act 1972, Schedule 12, Part IV, Paragraph 39.

⁹ The Council is a corporate body as defined in Local Government Act 1972.

¹⁰ Local Government Act 1972, Section 112.

4. The Mayor/Chair's allowance, if allocated, must be used only for reasonable expenses related to their civic duties.¹¹
5. The Mayor/Chair is bound by the same Code of Conduct as all councillors and must uphold the highest standards of conduct, leading by example in adhering to the Code.¹²
6. The Mayor/Chair cannot legally bind the Council to any action without prior Council approval.

2. Deputy Mayor/Vice-Chair

Appointment and Status

1. The Deputy Mayor/Vice-Chair may be appointed by the Council at the Annual Meeting if the Council thinks fit.¹³
2. The Deputy Mayor/Vice-Chair holds office until immediately after the election of the Mayor/Chair at the next Annual Meeting, unless they resign, cease to be qualified, or become disqualified.
3. The Deputy Mayor/Vice-Chair continues to be a member of the Council for all purposes during their term of office, even if not re-elected as a councillor.

Powers and Duties

1. **Supporting the Mayor/Chair:** The Deputy Mayor/Vice-Chair assists the Mayor/Chair in fulfilling their civic and ceremonial duties as required.
2. **Acting in Absence:** In the absence or during the inability of the Mayor/Chair to act, the Deputy Mayor/Vice-Chair has all the powers and authority of the Mayor/Chair.
3. **Substitution:** Unless standing orders provide otherwise, anything authorised to be done by, to, or before the Mayor/Chair may be done by, to, or before the Deputy Mayor/Vice-Chair in the Mayor/Chair's absence.

¹¹ Local Government Act 1972, Sections 15(5) and 34(5).

¹² Local Government Act 2000, Section 51.

¹³ No legal requirement to appoint a Deputy Mayor/Vice-Chair exists: Local Government Act 1972, Section 34(3).

4. **Chairing Meetings:** The Deputy Mayor/Vice-Chair presides over Council meetings when the Mayor/Chair is absent or when the Mayor/Chair hands over for items where they have declared a prejudicial interest.
5. **Declaration of Interests:** The Deputy Mayor/Vice-Chair must declare personal and prejudicial interests in accordance with the Code of Conduct, and withdraw from meetings when having a prejudicial interest in any matter being discussed.

Limitations

1. The Deputy Mayor/Vice-Chair cannot exercise the powers of the Mayor/Chair when the Mayor/Chair is present and able to act.
2. The Deputy Mayor/Vice-Chair has no authority to make decisions on behalf of the Council individually.
3. The Deputy Mayor/Vice-Chair cannot instruct Council staff directly outside of Council meetings.
4. When acting as Mayor/Chair, the Deputy Mayor/Vice-Chair is subject to the same limitations as listed for the Mayor/Chair.
5. The Deputy Mayor/Vice-Chair does not need to make a separate declaration of acceptance of office as Deputy Mayor/Vice-Chair beyond their declaration as a councillor.
6. The Deputy Mayor/Vice-Chair is bound by the same Code of Conduct requirements as all councillors, including the declaration of interests and withdrawal from meetings when having a prejudicial interest.

3. Councillors

Appointment and Status

1. Councillors are elected by the local electorate to serve a term as defined by electoral law.
2. Councillors must make a declaration of acceptance of office before or at the first meeting after election, unless the Council resolves to permit this at a later meeting.¹⁴

¹⁴ Local Government Act 1972, Section 83.

3. Co-opted councillors may be appointed by the Council when vacancies exist, and they have the same status and responsibilities as elected councillors.¹⁵

Powers and Duties

1. **Collective Decision-Making:** Councillors participate in the corporate decision-making process of the Council through Council and Committee meetings, where the Council acts as a single corporate body.
2. **Meeting Attendance:** Councillors have a duty to attend Council meetings when summoned to do so. Absence for six consecutive months without prior Council approval leads to disqualification.¹⁶
3. **Representation:** Councillors represent the interests of the entire St Davids community, not just those who voted for them or specific interest groups.
4. **Preparation:** Councillors must prepare adequately for meetings by reviewing agenda papers and seeking appropriate advice.
5. **Code of Conduct:** Councillors must abide by the adopted Code of Conduct, including declaring relevant personal interests at meetings and withdrawing from meetings when having prejudicial interests unless a dispensation has been granted by the Standards Committee.¹⁷
6. **Contributing to Policy:** Councillors collectively determine the Council's policies, services, and budget.¹⁸
7. **Scrutiny:** Councillors hold the Council to account for its decisions and ensure proper governance.
8. **Calling Extraordinary Meetings:** Any two councillors may call an extraordinary meeting by signed requisition if the Mayor/Chair refuses to do so, although the summons must be signed by the Proper Officer.¹⁹
9. **Public Participation Exception:** Councillors may speak during public participation periods on matters where they have a prejudicial interest, provided the public also has

¹⁵ Representation of the People Act 1985, Section 21.

¹⁶ Local Government Act 1972, Section 85.

¹⁷ Local Government Act 2000, Section 52.

¹⁸ Local Government Finance Act 1992, Section 50.

¹⁹ Local Government Act 1972, Schedule 12, Part IV, Paragraph 25.

the right to speak, but must withdraw before the Council's discussion and vote on the matter.

Limitations

1. **No Individual Authority:** Individual councillors (including the Mayor/Chair) have no authority to make decisions on behalf of the Council or issue instructions to officers.
 2. **No Direct Staff Management:** Councillors cannot instruct Council staff individually. The Clerk/Proper Officer is responsible for managing staff and implementing Council decisions.²⁰
 3. **Corporate Body Principle:** The Council is a corporate body with a legal existence separate from its members. Individual councillors cannot act on behalf of the Council unless specifically authorised by a Council resolution.
 4. **Financial Limitations:** Councillors cannot commit Council resources or incur expenditure without proper authorisation through Council resolutions.²¹
 5. **Conduct Restrictions:** Councillors must not bring the Council into disrepute, must treat others with respect, and must not use their position for personal advantage.²²
1. **Declarations of Interest:** Councillors must withdraw from discussions and voting on matters where they have prejudicial interests (unless a dispensation has been granted).²³
 2. **Representation Limitations:** When speaking publicly, councillors must distinguish between personal views and the official position of the Council.
 3. **Position Misuse:** Councillors must not use their position to secure advantages for themselves or others, or to avoid disadvantages, as specified in the Code of Conduct.

4. Declaration of Interests

Types of Interests

1. **Personal Interest:** Exists when a matter relates to or affects:

²⁰ Local Government Act 1972, Section 112.

²¹ Local Government Act 1972, Section 151.

²² Local Government Act 2000, Section 52.

²³ Local Government Act 2000, Section 52.

- Your employment, business, company shares, or positions in other organisations.
 - Your well-being or financial position.
 - The well-being or financial position of someone with whom you live or a close personal associate.
 - Organisations in which you hold membership or positions of control.
2. **Prejudicial Interest:** Exists when a personal interest is so significant that a member of the public with knowledge of the relevant facts would reasonably regard it as likely to prejudice your judgement of the public interest.

Declaration Procedure

1. All members must orally declare personal interests at the start of discussions on relevant items.
2. When a member has a prejudicial interest, they must:
 - Declare it orally.
 - Withdraw from the meeting during consideration of that item.
 - Not seek to influence any decision relating to that matter.
 - Not make representations about the matter unless exercising public speaking rights during designated public participation periods.
3. All declarations of interest must be recorded in the minutes.
4. Members must also provide written notification of interests for inclusion in the register of members' interests maintained by the Proper Officer.

Dispensations

1. Members with prejudicial interests may apply to the Standards Committee for dispensations to participate in discussions and/or vote on matters.
2. Dispensations may be granted when:
 - More than half the Council would otherwise be prohibited from participating.
 - The nature of the interest is such that participation would not damage public confidence.
 - The member's participation is in the interests of the community.
 - Other grounds as determined by the Standards Committee.

5. Training and Development

1. All councillors should undertake Code of Conduct training at the earliest opportunity following election or co-option, and should refresh this training periodically throughout their term of office.
2. The Council will provide opportunities for members to attend relevant training courses, conferences, and briefings to enhance their knowledge and skills.
3. Members are encouraged to identify their own training needs and bring these to the attention of the Council.
4. A record of member training will be maintained by the Proper Officer.