

5F. Protocol for Local Member Notification

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1. Introduction

- 1.1 The County Council's elected members carry out a number of different roles. They may be members of the Cabinet, taking Executive decisions, they may sit on Committees scrutinising those decisions, they may represent the County Council on other public bodies, but it is their role in their local community which is arguably the most important. Councillors are in many cases the first point of contact, especially if local people, stakeholder and other community groups are concerned about an issue, or need to know what is going on or want a problem dealt with.
- 1.2 For this reason, **elected members must be informed about all significant developments affecting their electoral division, before other groups and always before the County Council makes public announcements.**
- 1.3 Generally directorates have their own arrangements for notifying members of relevant issues and many have good arrangements in place. Failure to notify local members of significant issues affecting their division has at times caused considerable embarrassment and problems, quite apart from preventing members exercising their community leadership role effectively. As paragraph 2 above makes clear this role is one which the majority of elected members regard as the most important and it is a role which the Government's most recent White Paper on Local Government^① promotes and reinforces.
- 1.4 The purpose of this Protocol, therefore, is to build on existing arrangements and to remind all directorates of the importance of keeping local members in touch. The Protocol is not intended to replace existing arrangements but to help colleagues make sure that local members are kept properly informed about local issues. Responsibility for implementing the Protocol rests with Corporate Directors and Heads of Services. Member Services and Scrutiny will check in the case of committee reports whether consultation with local members appears to have been carried out but this should not be a substitute for directorates taking positive steps themselves to keep local members in touch.
- 1.5 Existing arrangements already require local members to be consulted before Cabinet or a committee takes a formal decision. However, many issues of great importance to local members do not require formal decisions, are taken by officers under delegated powers as part of their management responsibilities, or are initiated by residents/local groups.
- 1.6 **The litmus test should be 'no surprises'**. We must aim to avoid situations where an elected member is contacted by a resident, or worse, by the press, for a comment/assistance on a County Council issue affecting their electoral division of which they were unaware. Quite simply, members should be the "first to know" of events and issues affecting their constituents.

^① *The Local Government White Paper – Strong and Prosperous Communities, October 2006*

- 1.7 Much information is made available electronically through the Council's intranet and the Members' Information Bulletin. However, members have a vast quantity of information to digest and it is not usually sufficient to assume that a member will pick up information relating to their local area through these means. If a matter specifically affects a member's electoral division then the member should be contacted direct by telephone, e-mail, letter or FAX as appropriate.
- 1.8 The following paragraphs describe more fully how the arrangements should work in practice.

2. **The Local Member Role**

- 2.1 Members have been elected to represent their electoral divisions and have a detailed knowledge of the local area. It will take new members time to build up such knowledge and this needs to be borne in mind in communications with members, particularly where there has been a long history to a matter. Members will act on behalf of individual constituents on specific issues or may represent the County Council on local bodies in their division such as school governing bodies. Members will monitor the quality and effectiveness of service provision and are a very important communication link between the County Council and local people.
- 2.2 The local press will often contact local members for their views on local issues, particularly where County Council or partners' proposals are likely to be controversial or have a major impact locally. The views of local members are a key dimension of policy-making and it is important that their views are heard and taken into account by decision-makers whether that be Cabinet, local committees or officers.
- 2.3 The locality dimension to the Council's work is becoming ever more important with the roll out, in five pilot areas initially, of Community Boards. These Boards, made up of the local members for the area plus co-opted parish and community representatives, will have a central role in taking decisions on certain local matters as well as influencing, shaping, reviewing and monitoring not only County Council services but also wider public services.
- 2.4 Our elected members, as community leaders on the Community Boards, will need to be fully informed and briefed on issues affecting the locality so that there are "no surprises" at formal meetings and in members' dealings with constituents, partners and other stakeholders.
- 2.5 Members are also encouraged to inform the relevant officers of significant issues of which they become aware and which will have an impact on the County Council and its services.

3. What are significant issues?

3.1 The general rule should be that any issue is significant which is likely to result in a member being approached by the press or a constituent. It is not possible to cover everything in a list (and colleagues should err on the side of informing a local member in cases of doubt) but the following are examples of the kinds of issues which members themselves are likely to regard as significant. This applies whether or not the matter will come before members under the County Council's formal decision-making process.

- **Changes to services** provided or maintained by the County Council (directly or by commission/in partnership) such as:
 - changes to opening hours/admission arrangements
 - changes to the type of service provided
 - introduction of or changes to fees and charges
 - closures, partial, temporary or permanent
 - expansions of facilities
 - planned or programmed highways works
 - planned or programmed building/maintenance works
 - changes to 'catchment' areas/services areas
 - changes to rules on financial or professional assistance
 - communications with parish, town, district or borough councils
 - school closures or amalgamations
 - Where the County Council is **taking decisions** on
 - planning applications
 - traffic management
 - trading standards
 - aspects of social care (subject to exclusions below)
 - local transport matters
 - **Controversial** issues such as
 - certain planning applications, not just those determined by the County Council
 - where a local campaign is developing
 - multiple letters on the same subject
 - where you are responding to an article or letter in the press or media
 - where the local MP(s) has become involved
 - issues where there are concerns about the performance of a County Council service, especially where externally assessed
- (NB It would be advisable in these instances to discuss with the local member(s) how they want these handled to avoid unnecessary high volume copying)
- **Corporate** issues to be copied to all members by the means explained in paragraph 31)

- Formal representations on the part of the county council on big issues, regional, national/European
- Formal responses to consultations from government at regional, national or European levels or from quangos and other public bodies.

4. **Who is the local member?**

- 4.1. Local Members should also be involved in, or at least informed of, official visits or formal openings of premises or facilities in their electoral division. Colleagues must consider at the outset whether local members should be invited and, if not, to be in a position to explain the adopted course of action if asked by the local member. Where the event or function involves the Chair or Vice-Chair of the County Council, colleagues should liaise closely with Sandra Peacock, the Chair's Secretary, in Member Services and Scrutiny (tel 01228 606353 e-mail sandra.peacock@cumbriacc.gov.uk) who will advise on protocols.
- 4.2. Most notifications will result from site or area/locality specific proposals and generally will only affect a single electoral division. However, some proposals will be more broadly based and colleagues will need to exercise judgement in these cases as to which local members should be consulted or informed. The closure of a secondary school, for example, will clearly affect more than one electoral division because of the wide catchment area of the school. Road closures, bus routes and library opening times are other examples where more than one electoral division may be affected. In areas where they exist these would be issues which it would be appropriate for the pilot Community Boards to consider and decide and/or make recommendations about.
- 4.3. Colleagues should also consider whether a proposal which on the face of it would affect a single electoral division only would have implications for a wider area from knock-on or consequential effects.

5. **What are the particular requirements in relation to agenda despatch and Member Services' role?**

- 5.1. Members feel strongly that relying solely on formal agenda papers for notification is too late. To be effective it is important that local members are told about an issue much earlier so that they are able to deal with constituents' concerns or to exert influence on their behalf by, for example, using the Council's Public Participation Scheme. In some cases a local member's support can be very influential.
- 5.2. As explained above the responsibility for notifying local members rests with the directorate or service before the formal processes are reached. Although earlier notification may have been given Member Services and Scrutiny will notify the local member(s) when an agenda is despatched (sending them a copy of the report) based on the advice given by the directorate or service as to the areas affected. This will be the electoral divisions listed under the "Implications" Section of reports.

- 5.3 For committee reports Member Services and Scrutiny will act as a backstop and will, where possible, given other constraints on agenda preparation and despatch, remind directorates about the need to consult local members where it is not clear from the report that such consultation has taken place. The “Guidance on Procedure and Report Formats for Member Meetings” available on the intranet explains what needs to happen. Member Services may ask report authors to undertake consultation with local members where it appears not to have happened which may mean that the report has to be submitted to a later meeting.

6. Who is responsible for notifying local members?

- 6.1 Identifying issues that affect local members is clearly the responsibility of the directorate or service dealing with the matter. This is not confined solely to items coming before the Cabinet, a Local Committee, a Sub-Committee or a Panel. Issues will arise outside the formal processes which should be notified even before they are identified as potential member issues. If colleagues are unsure about notifying a local member at an early stage on a particular matter please obtain advice within your own directorate or service before approaching the member.
- 6.2 Directorates and services will have their own rules about who is authorised to contact members and at what stage in relation to specific proposals and issues. Some services may have an agreed notification procedure which follows the spirit of this Protocol but which is designed for the service’s particular circumstances.
- 6.3 Colleagues should also consider carefully whether the Cabinet Member with responsibility for the service should also be advised of a particular local proposal or issue as they too might be asked by the press or others to comment.
- 6.4 How to contact members will depend to a large extent on the importance of the issues and the urgency. Usually it is better to email, fax or write to the member so that members have a clear description of the issue but in urgent cases members can be contacted by telephone. Numbers are given on the Council’s intranet.

7. Information and advice about local members and their divisions

- 7.1. Details of members and electoral divisions are available on the intranet. Where the information is not clear Nick Evans in Member Services and Scrutiny (Tel 01228 226367 e-mail nick.evans@cumbriacc.gov.uk) can be contacted for advice.

8. Monitoring and Review of the Protocol

- 8.1 Where a member believes that this Protocol is not being followed they should inform the Head of Member Services and Scrutiny of their specific concerns. The matter will be registered and referred to the appropriate Corporate Director/Head of

Service for investigation. The Corporate Director will advise the local member and the Head of Member Services and Scrutiny of the outcome of the investigation and any action taken. This will be recorded to show that the matter has been resolved.

- 8.2 The Head of Member Services and Scrutiny will report annually to the Constitution Review Group on the number of representations received under the Protocol to enable the Group to assess whether the notification arrangements are working satisfactorily or whether they need to be reinforced or amended.

9. **Data Protection**

- 9.1 The present law on data protection allows personal data to be disclosed to elected members, without having to obtain the consent of the data subject, where disclosure is necessary for the member to carry out their official duties. As a major part of a member's role is to represent the interests of the local community and individuals, there should be no reason in law why members should not have access to a good deal of the personal information circulating within the County Council but, if in doubt, you should contact the Legal Services Unit for advice.

10. **Confidentiality**

- 10.1 Members are required by the Code of Conduct not to breach confidentiality. Therefore, the fact that an issue is confidential does not in itself prevent the sharing of it with the local member, but the confidentiality must be made clear to the local member.

Exceptions

- Where the issue is about the provision of a personal service from the County Council to the individual or a dependent, unless the individual or person in receipt of the service has expressly asked for the involvement of the local member and has agreed that correspondence can be shared, or where the issue is already public, such as in the press or media.
 - Where it involves the personal circumstances of a member of staff.
 - Politically sensitive corporate issues, such as communication with Members of Parliament, Government, Local Government Association etc on provisional or early draft proposals.
 - Corporate Issues.
- 10.2 To avoid the need to send hard copies of communications to all 84 members of the County Council, the weekly Members' Information Bulletin (MIB) can be used to draw attention to significant corporate issues, or matters which affect all members.

(Approved by the County Council on 13 September 2007)