

Protocol for Notifying Local Members of Key Issues

1. Introduction

- 1.1 Members carry out a number of different roles, but it is their role in their local community that is arguably the most important. Members are often the first point of contact, especially if local people, stakeholders and other community groups are concerned about an issue or have queries about services or plans for the area.
- 1.2 It is critical that Members are informed about all significant developments affecting their electoral ward before other groups and always before the Council makes public **announcements**.
- 1.3 The purpose of this Protocol for Notifying Local Members of Key Issues ('Protocol') is to help officers make sure that Members are kept properly informed about local issues. Local issues are issues which impact on a particular ward or only a small number of wards (usually no more than 3 wards). Responsibility for implementing the Protocol rests with Chief Officers and Assistant Directors, and the specific arrangements to do this are the responsibility of individual Directorates.
- 1.4 Existing arrangements already require local members to be consulted before Cabinet or a Locality Board 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. This protocol should be applied in these circumstances.
- 1.5 The principle of "no surprises" for Members underpins the Protocol. Officers must aim to avoid situations where a Member is contacted by a resident or by the press, for a comment/assistance on a Council issue affecting their electoral ward of which they were unaware. Wherever possible, Members should be the first to know of events and issues affecting their constituents.
- 1.6 Whilst much information is made available electronically through the Council's intranet and through members' briefing; officers must not rely on this as the primary method of informing a Member of a matter that specifically affects a Member's electoral ward. Contact must be made directly with the Member.
- 1.7 The following paragraphs describe more fully how the arrangements should work in practice.

Protocol

2. The Local Member Role

- 2.1 Members have been elected to represent their electoral wards and have a detailed knowledge of the local area. Members will act on behalf of individual constituents on specific issues or may represent the Council on local bodies in their ward, such as school governing bodies. Members will monitor the quality and effectiveness of service provision and are an important communication link between the Council and local people.
- 2.2 The local press will often contact local Members for their views on local issues, particularly where the Council's 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 the Cabinet, Locality Boards, or officers.
- 2.3 Members need to be kept fully informed and briefed on significant issues affecting the locality so that there are "no surprises" at formal meetings and in members' dealings with constituents, partners and other stakeholders.
- 2.4 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 Council and its services.

3. Definition of Significant Issues

- 3.1 A "significant issue" is deemed to be something that 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 but the following are examples of the kinds of issues which are usually regarded as significant. This applies whether or not the matter will come before Members under the Council's formal decision making process.
- (a) **Changes to services** provided or maintained by the Council (directly or by commission/in partnership) such as:
- (i) Changes to opening hours/admission arrangements
 - (ii) Changes to the type of service provided
 - (iii) Introduction of or changes to fees and charges
 - (iv) Closures - partial, temporary or permanent
 - (v) Expansions of facilities
 - (vi) Planned or programmed highways works
 - (vii) Planned or programmed building/maintenance works
 - (viii) Changes to 'catchment' areas/service areas
 - (ix) Changes to rules on financial or professional assistance

- (x) Communications with parish or town, councils
 - (xi) School closures or amalgamations
- (b) Council **decisions** on:
- (i) Planning applications
 - (ii) Traffic management
 - (iii) Trading standards
 - (iv) Housing
 - (v) Aspects of social care (subject to exclusions below)
 - (vi) Licencing matters
 - (vii) Bins, recycling and street cleaning
 - (viii) Local transport matters
- (c) **Sensitive** issues such as:
- (i) Where a local campaign is developing
 - (ii) Where multiple letters on the same subject have been received
 - (iii) Where you are responding to an article or letter in the press or media
 - (iv) Where the local MPs has become involved
 - (v) Issues where there are concerns about the performance of a Council service, especially where externally assessed.
- (d) **Corporate** issues such as:
- (i) Formal representations on the part of the Council on significant issues, that are regional or national
 - (ii) Formal responses to consultations from government at regional or national levels or from quangos and other public bodies.

4. Cross Ward Involvement of Local Members

- 4.1 Most notifications will relate to a matter within a specific area and generally will only affect a single electoral ward. However, some proposals will be more broadly based and officers will 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 ward 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 ward may be affected.
- 4.2 Consideration should also be given to whether a proposal which on the face of it would only affect a single electoral ward would actually have implications for a wider area.

5. Local Member involvement in official visits and formal events

- 5.1 Local Members should be involved in, or at least informed of, official visits or formal openings of premises or facilities in their electoral ward. Consideration should be given at the outset to whether local Members should be invited to events and, if not, officers should 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 Council, the Communications Team will advise on protocols.

6. Particular Requirements in relation to Agenda Despatch and Democratic Services' Role

- 6.1 Relying solely on formal agenda papers as the method for notification is not acceptable as this is unlikely to provide information sufficiently in advance of an issue being discussed. Local Members must be told about an issue much earlier so that they are able to deal with constituents' concerns, influence through appropriate channels, and advise constituents, for example on the Council's Public Participation Scheme.
- 6.2 The responsibility for notifying local Members rests with the relevant directorate before the formal processes are reached. Although earlier notification may have been given, Democratic Services will notify local Members when an agenda is despatched (sending them a copy of the report) based on the advice given by your directorate or service as to the areas affected. This will be the electoral wards listed under the "Implications" Section of reports.

7. Responsibility for Notifying Local Members

- 7.1 Identifying issues that affect local Members is the responsibility of the relevant directorate or service dealing with the matter. This refers not only to items coming before the Cabinet, a Locality Board, or other bodies; but also significant issues that arise outside the formal processes.
- 7.2 Each directorate may have its own arrangements in place 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 is designed for the service's particular circumstances. Officers should only notify a local Member in accordance with this Protocol and any procedure or guidance issued by their service. If officers are unsure about notifying a local Member at an early stage on a particular matter, advice should be sought from their Senior Manager or Assistant Director / Director before approaching the Member.
- 7.3 Officers should 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.
- 7.4 How contact is made with Members will depend to a large extent on the importance of the issues and the urgency. Usually it is better to email 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.

- 7.5 Area Managers are often able to support the process of notifying local Members of issues, and as a point of focus for council services in each local area should also be kept informed of significant issues; however the lead should come from the directorate/ service to instigate notification and responsibility for notification does not lie with the relevant Area Manager(s).

8. Information and Advice About Local Members and Their Wards

- 8.1 Details of Members and electoral wards are available on the intranet. Where the information is not clear, the Democratic Services team can be contacted for advice.

9. Monitoring and Review of the Protocol

- 9.1 Where a Member believes that this Protocol is not being followed they should inform the Chief Legal and Monitoring Officer of their specific concerns. The matter will be registered and referred to the appropriate Chief Officer for investigation. The Chief Officer will advise the local Member and the Monitoring Officer of the outcome of the investigation and any action taken. This will be recorded to show that the matter has been resolved.

10. Data Protection

- 10.1 The present law on data protection allows personal data to be disclosed to Members, without having to obtain the consent of the data subject, where disclosure is necessary for the Member to carry out their official duties. Officers must carefully consider their obligations under the data protection legislation before disclosing personal data to Members. In particular:-

(a) they must only give the Member access to the personal data they need to carry out their duties;

(b) they must specify the purposes for which that information may be used or disclosed;

(c) where the Member is able to take a copy of the personal data away from the premises or is able to access the data remotely they should specify the steps necessary to keep the information secure.

If in doubt, officers should contact the Chief Legal and Monitoring Officer for further advice on disclosure of information to Members.

11. Confidentiality

- 11.1 Members are required by the Member 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.

11.2 Exceptions:

The following issues should not be shared with the local Member

- (a) Where the issue is about the provision of a personal service from the Council to an 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.
- (b) Where it involves the personal circumstances of an officer.
- (c) Where it involves politically sensitive corporate issues, such as communication with Members of Parliament, Government, Local Government Association on provisional or early draft proposals.
- (d) Where it involves corporate issues of a sensitive nature such as commercially sensitive information relating to issues of procurement and contracts; or confidential legal advice

12. Monthly Members' Briefings

- 12.1 Where an issue is of interest to all Members of the Council, the monthly Members' Briefings can be used to draw attention to significant corporate issues or matters which affect all Members. Providing information through this route does not remove the requirement on directorates to notify local Members directly of issues which relate to their electoral ward.