

J -Tell Local Councillor

Keeping elected Councillors informed

October 2015

Protocol on a page

We have a responsibility to tell Councillors (“Members”) what the Council is doing or plans to do in their area. Councillors also have detailed knowledge of their electoral division and this can help us do our jobs better.

- Councillors **must** be informed at the earliest stage about significant County Council events and issues affecting their electoral division and their constituents. The Council’s Constitution **requires** it.
- In particular Officers must inform Councillors about local impacts of:
 - Changes to council services
 - Council decisions (before and after the decision is taken).
 - Controversial issues (local campaigns / planning applications etc)
 - Events such as opening or closing of premises.

Keeping Councillors informed is vital for good communications, effective decision-making and service delivery.

Key rules:

- Think about informing local Councillors at the earliest possible stage in the development of a proposal or as soon as an issue becomes apparent to you.
- If you’re telling the public about something, tell the Councillor too – ideally beforehand.
- Individual services are responsible keeping Councillors informed. The Communications and Corporate Governance teams cannot do it for you.
- Newly elected Councillors may not be aware of the history of local issues and may need additional briefings from the outset.
- If in doubt consult with senior managers – but assume that it’s better to tell the Councillor than not. The Communications and Corporate Governance teams can also advise you.

The following pages provide detail in support of the Protocol and the responsibilities of Officers and Councillors.

1. Introduction

1.1 This Protocol is for all Officers and sets out the arrangements to ensure that Officers understand the need for keeping Councillors informed, and confirms the arrangements for doing so.

1.2 Our Councillors are decision makers, the voice of their communities, and are often the first point of call for local people when they have a problem.

- They need therefore to know what the Council is doing or proposing to do that directly affects their electoral division.
- They are uniquely placed to bring information and views from the community into the council to help decision making and delivery of services.
- They are democratically accountable for the work the council does including within their own electoral divisions.

1.3 For this reason, Councillors **must be informed about all significant developments affecting their electoral division at the earliest opportunity.**

1.4 As a 'rule of thumb':

- A significant development is anything that may cause a constituent, a local organisation, or the press to contact the Councillor.
- **If in doubt, tell the Councillor anyway.**

Part 3 gives examples of "significant developments".

1.5 Failure to inform Councillors of local developments / issues can result in embarrassment for them locally and complaints from them against Officers. This can be to the detriment of the relationships between Councillors and Officers.

1.6 Overall responsibility for ensuring that this Protocol is implemented rests with the Senior Leadership Team, Strategic Managers and Service Managers although the responsibility for informing Councillors rests with all staff.

1.7 The Council and Officer Scheme of Delegation **requires** local Councillors to be consulted before formal decisions are taken which affect localities and also to be informed of the decision taken. Officers preparing proposals for decision are responsible for ensuring that local Councillors are consulted at the earliest possible stage in the process.

In addition, for decisions proposed to be taken under authority delegated by the Council (and not the Leader / Cabinet) to an Officer, where the local Councillors consulted above so requests, the matter will be referred to the relevant Committee for decision.

1.8 The requirement to inform local members about significant developments goes way beyond formal decisions. A significant development or an issue about Council services may arise in a number of ways and may even be initiated by residents or local groups.

1.9 It is most important to avoid situations where a local Councillor first hears about a significant County Council development or issue affecting their electoral division from a resident or the press.

1.10 General information is made available to Councillors in a variety of ways including electronically through the Council website, the Members' Portal and the monthly Members'

Core Brief. However, this does not guarantee that a Councillor will pick up information relating to their local area and is not a substitute for direct contact.

2. Councillor's Roles

2.1 Newly elected Councillors may need time to build up knowledge of local issues and how the Council functions. Bear this in mind when communicating with them, particularly where an issue has a long or detailed history.

2.2 Councillors act on behalf of individual constituents on specific issues. They may also represent the County Council on other groups including school governing bodies.

2.3 The local press often contact Councillors for their views on local issues, particularly where there is likely to be controversy or a major local impact.

2.4 Councillors are in a good position to assess the effectiveness and quality of service delivery at the local level and are therefore a vital communication link between the County Council and local people.

2.5 Councillors have an important role to play in policy and decision-making and it is important that their views and the views of their local communities are heard and taken into account by decision-makers - whether that is Full Council, the Cabinet, Cabinet Members, Committees or Officers.

2.6 Councillors are encouraged to inform relevant Officers of significant local issues which they become aware of and may have an impact on the County Council and its services and to give feedback from their communities.

2.7 Councillors have a responsibility to ensure that they are able to receive communications from officers by SCC email and by phone.

3. Examples of significant issues

3.1 It is not possible to cover everything but the following are examples of the kinds of issues which Councillors might regard as significant.

Inform Councillors of:

3.2 Changes to County Council services including:

- Changes to opening hours or 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 or areas where a service is provided.
- Changes to rules on financial or professional assistance.
- Communications with parish, town, district or borough councils.
- Major school issues such as closures, amalgamations or schools placed in 'special measures.'

3.3 Where the Council is taking decisions on issues including:

- Planning applications.
- Traffic management.
- Trading standards.
- Aspects of social care, subject to data and confidentiality rules.
- Local transport matters.

3.4 Potentially controversial issues such as:

- Issues that are or may become of interest to the media
- Planning applications.
- Where a local campaign is developing.
- Multiple letters received by Officers on the same subject.
- Where a local MP has become involved in an issue.
- Where there are concerns about the performance of a County Council service, especially where it is externally assessed.

3.5 Local events. Local Councillors should be involved in, or at least informed of:

- Official visits (for instance by MPs or Royals) in their Division.
- Formal openings of premises or facilities in their Division.

Officers must consider early on whether local Councillors should be invited and, if not, be able to explain why if challenged.

3.6 Corporate issues:

- 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.

3.7 Civil contingencies

- Councillors can be a key link between the Council and communities during emergencies. It may be appropriate or useful to inform Councillors of incidents affecting part or all of their Division, or services provided in their Division.
- How and when to make contact with Councillors during an emergency should be considered as part of each service area’s Business Continuity Planning process and in the Corporate Business Continuity Plan.
- Full guidance can be found in the [Somerset Elected Members' Emergency Handbook](#)

4. Definition of ‘local Councillor’

4.1 Most local Councillor notifications relate to site or area/locality specific proposals and usually only affect a single electoral division. However, some proposals have a wider impact and Officers will need to judge whether to inform other local Councillors.

4.1.1 The closure of a secondary school, for example, clearly affects a wide catchment area.

4.1.2 Also, road closures, bus routes and library opening times are other examples where more than one electoral division may be affected.

5. Particular requirements relating to formal decisions and the Community Governance team

5.1 Local Councillors should be involved at the earliest possible stage of a decision-making process by the Officer developing a proposal for decision so that they can deal with constituents' concerns and represent constituent's views. Local Councillor support for a plan is very influential.

5.2 For decision reports the Community Governance team will remind report authors about the need to consult local Councillors if it is not clear from a draft report that such consultation has taken place.

The [Decision Making Guidance Notes](#) on the intranet explain Officers' obligations.

5.3 If the Community Governance team identify that a local Councillor has not been consulted but should have been, there may be a delay in the decision being taken whilst the necessary consultation takes place.

6. Who is responsible for notifying local Councillors?

6.1 Each service is responsible for identifying issues that affect local Councillors and establishing their own methods of making contact, in accordance with this Protocol.

6.2 If you are unsure about how or whether to notify a local Councillor on a particular matter please take advice within your own service or from the Community Governance team.

6.3 You should consider carefully whether the relevant Cabinet Member and / or Opposition Group Spokesperson should also be advised of a particular local proposal or issue as they may also be asked by the press or others to comment.

6.4 How to contact Councillors depends on the importance and urgency of the issue. Usually it is better to email or write so that the Councillor has a clear written description of the issue. In urgent cases telephone contact may be necessary.

7. Information about local Councillors and their divisions

7.1. Details of Members and their electoral division areas are available on the Council's internet and intranet.

8. Monitoring and review of this protocol

8.1 Where a Councillor believes that this Protocol is not being followed they should inform the relevant Senior Leadership Team Officer who will investigate in accordance with requirements of the Member / Officer Protocol.

The Councillor who raised the complaint will be informed of the outcome of any investigation and actions resulting from it. If the Councillor is not satisfied with the action taken then they may refer the matter to the Chief Executive for consideration.

9. Data Protection and Confidentiality

- 9.1 Member roles and legislative provisions mean that in many circumstances personal data **can** be disclosed to Councillors without having to obtain the consent of the data subject, **if** disclosure is necessary for the Councillor to carry out their official duties.
- 9.2 Councillors are required by the Members' Code of Conduct not to breach confidentiality. Therefore, an issue being confidential does not in itself prevent the sharing of it with the local Councillor, but the Councillor must be made aware that it is confidential.
- 9.3 Notable **exceptions** to the requirement to share confidential information are:
- 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 a local Councillor(s) 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 an Officer or another Councillor.
- 9.4 Councillors must ensure that when asked questions by the media requiring them to release information that they know to be or suspect may be confidential, they should have regard to the requirements of the Members' Code of Conduct, make no comment and refer the reporter to an officer in the Communications team.

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