

Local Member Protocol - Think Local Councillor

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That Council be recommended to adopt the Local Member Protocol, attached at appendix A, to be included alongside the Council's Protocol on Member / Officer Relations listed at 6h of the Constitution.

2) Background / Introduction

Following issues raised by a number of Elected Members, a request was made for the Governance Review Working Group to consider adopting a protocol focussing on Officer communication and consultation with Elected Members.

Research was carried out examining material and guidance from other authorities for consideration to adopt or amend accordingly for Devon's own protocol.

From this research, a proposed protocol was prepared for the Governance Working Group.

3) Consultations / Representations / Technical Data

Views were sought from the Governance Working Group and benchmarking data from across other Authorities as well as specialist support from the Local Government Association (LGA).

4) Draft Protocol

The Governance Working Group considered this on the 2 October 2023, where the draft protocol, aimed at improving communications with Elected Members, was presented.

Members were supportive of the guidance, and they subsequently endorsed the contents to be presented to the next Procedures Committee.

5) Strategic Plan

This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

6) Financial and Legal Considerations

There are no financial or legal considerations.

7) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental related issues.

8) Equality Considerations

There are no equality related issues.

9) Risk Management Considerations

No risks have been identified, although there is inherent risk in not consulting local Members in Council decisions making.

10) Summary / Conclusions / Reasons for Recommendations

The proposed Local Member Protocol '**Think Local Councillor**' strengthens current processes and will need to be formally communicated to services in order that its purpose is put formally into practice.

Name – Maria Price - Director of Legal and Democratic Services

Cabinet Member - Councillor Saywell – Cabinet Member for Organisational Development, Workforce & Digital Transformation

Electoral Divisions: All

Local Government Act 1972: List of background papers - NIL

Contact for enquiries: Karen Strahan; 01392 382264, G31, County Hall, Exeter, EX2 4QD

Local Member Protocol

Informing elected members – Think Local Councillor

Councillors (“Members”) are elected representatives of their communities. They need to be kept informed of developments in their division, and in relation to their specific areas of interest or responsibility, at the earliest possible stage and throughout the process. Officers have a responsibility to tell Councillors what the Council is doing or plans to do in their area. Councillors also have detailed knowledge of their electoral division and are in a good position to assess the effectiveness and quality of service delivery at the local level and this can help officers do their jobs better.

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

Councillors must be informed **at the earliest stage about all significant Council events and issues affecting their electoral division and their constituents**. 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. So, inform Members early but in a way which is appropriate to the circumstances. By phone? By email? Is a briefing or consultation meeting necessary?

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.

Circumstances when it is essential for Officers to inform Members about local impacts include:

- Changes to Council services
- Buildings and Property
- Council decisions (before and after the decision is taken)
- Controversial issues (local campaigns / planning applications etc)
- Consultations (Highways and Planning)
- Events such as opening or closing of premises.

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.
- If the public are being informed, tell the Councillor too – ideally before.
- Individual service areas are responsible for keeping Councillors informed. Communications and Democratic Services 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. Democratic Services Managers can also advise.

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. Examples of matters involving a wider area could be the closure of a secondary school, road closures and changes to library services. In the case of Exeter, you need to alert all Exeter Members.

Please note that although general information is made available to Councillors in a variety of ways including electronically through the Council website and the fortnightly Members' Bulletin, this does not guarantee that a Councillor will pick up information relating to their local area and is not a substitute for direct contact.

Councillor roles

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.

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

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

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.

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.