Fife COUNCIL

COUNCILLOR / OFFICER PROTOCOL

August, 2010

INDEX

MULTI-MEMBER WARDS

1.0 Introduction

1.1 This section focuses chiefly on the issue of case management at the local level. Where there is a good level of trust between councillors in a multi-member ward, they may wish to enter into non-binding agreements to take advantage of their interests and expertise and reduce duplication. The establishment of such agreements is not a matter for this Protocol. Where any such agreements are established, it would be helpful to communicate these more widely to assist the development of good practice in all multi-member wards.

1.2 The Protocol is based on the following principles:-

- each councillor has been democratically elected to represent the whole of the multi-member ward and each has equal status within the ward;
- councillors should agree amongst themselves whether and how they wish to work together;
- it is not the role of officers to influence whether or how councillors work together;
- the role of officers is to manage and support those relationships and the information and workloads which flow from them.

2.0 Provision of information on ward members to the public

2.1 Factual information about ward councillors needs to be provided to constituents and organisations seeking contact with a local councillor.

(a) When members of the public contact the council requesting information about their ward councillors, contact details of all councillors are provided in alphabetical order along with their political affiliation.

(b) Where someone has not identified a particular councillor to deal with their concerns, the officer handling the contact should 'phone or email the constituent to clarify which councillor they would like to deal with their query.

(c) When it is not possible to get clarification over which councillor is to be approached, the last resort should be to copy the query to all of the ward councillors. In this circumstance, the member of the public should be advised that the query will be copied to each of the ward councillors.

3.0 Council activity or policy affecting the ward

3.1 Sharing information with councillors about council activities and policies affecting their ward is a key component of equal treatment.

(a)/

(a)   All councillors in a multi-member ward should be kept informed of, and have an input into, matters of council business which affect their ward.

(b)   Whenever a public meeting is arranged by the council or by a councillor to consider an issue local to a ward, or one or more wards in a part of the council, all the ward councillor(s) should normally be invited to attend the meeting.

(c)   Whenever the council undertakes a consultative exercise on an issue local to one or more wards, the appropriate officers should notify the ward councillors of the consultation and request their views on the issue.

(d)   All councillors in a multi-member ward should be kept informed of official engagements of senior councillors including the Provost and officially organised visits to the ward by other elected representatives and VIPs. It is the responsibility of the senior councillor to ensure that other members are informed of their official engagements and, in normal circumstances, at least three day's notice of an official engagement should be provided.

(e)   In the case of a visit by an MP, MSP, MEP, Ministerial representatives or other dignitary, the responsibility for informing local members rests with the officer who is organising arrangements for the visit. (More detailed guidance is to be found in the 'Guidance on Ministerial, Other Governmental and VIP Visits'.)

4.0   Officer communication to and meetings with local residents

(a)   When officers write to residents regarding matters of general concern in an area, all ward councillors should be sent copies. Examples would include traffic calming measures, bin collection cycles, etc.

(b)   When officers write to or meet with residents regarding issues affecting one household, the local councillors are not informed, except:-

(i)   where a councillor has been involved in a private matter affecting that household, then the relevant officer(s) should keep the councillor informed of developments until the matter is concluded, or

(ii)   where a councillor has been involved in a non-personal matter affecting more than one household then the relevant officer(s) should keep both the councillor and all other local councillors informed of developments until the issue is finalised.

5.0   Councillors arranging meetings with council officers

5.1   There is no requirement for officers to automatically invite other ward councillors to, or notify them about, meetings organised by an individual councillor with that officer unless the councillor requests otherwise.

6.0/

6.0 Councillor engagement with local representative groups

6.1 This can include, for example; community councils, tenants and residents groups, local forums.

   (a) Councillors are not obliged to attend these meetings and it is likely that involvement and participation will vary. In some wards, councillors may opt to share this workload based on a party or geographic basis. Issues arising from these meetings will generate work for officers and confusion/duplication may arise if different councillors take up issues through separate channels. The confusion will be heightened if the group also pursues the same issue.

   (b) Local representative groups should strive to be inclusive in their dealings with councillors even though, historically, they may have had a working relationship with some of the members now representing the ward. In the absence of any agreement by the local councillors, good practice should be for the group to invite all of the local councillors to meetings.

7.0 Councillor involvement with voluntary organisations

   (a) There is no stated requirement or entitlement for councillors to attend voluntary groups unless they are specifically appointed by the council to that voluntary body. Councillors may, however, become involved as individuals whilst some or all local councillors may be invited by the group to lend their support. Voluntary organisations will be reminded that all councillors in a multi-member ward have equal status.

   (b) Issues arising from the councillor's involvement with community and voluntary sector organisations should be raised with the sponsoring Service via the link officer.

8.0 Correspondence with councillors

   (a) Where a councillor has written (or e-mailed) to an officer seeking information from the council, the officer will respond to that councillor within two days and a full reply within one week, unless the enquiry is complex, when an acknowledgement will be sent within two working days explaining which officer is dealing with the query and when a full reply will be provided. The officer will not disclose correspondence to other councillors in the ward. However, where a councillor raises issues of general concern or interest to the ward, the officer shall ensure that other councillors within the ward are also kept informed and advised of any actions to be taken by the council.

   (b) If councillors seek the same or similar information on any issue, then officers shall treat the requests equally and provide each councillor with a similar response.

9.0/

9.0 <u>Data Protection and confidentiality – Councillors' Casework</u>

9.1 Officers and councillors must be alert to data protection issues. Personal data can only be provided to a councillor when pursuing an individual case on behalf of the constituent when that constituent has provided clear consent, which need not necessarily be in writing. Such personal data cannot be provided to other councillors within the ward unless consent has been received from the constituent.

9.2 When constituents approach a councillor for assistance with a personal problem, they provide personal data about themselves. Depending on the circumstances, the councillor has to make a judgement whether the constituent can be deemed to have consented for their personal data to be shared. In seeking advice from council officials, it is necessary to provide sufficient details for a meaningful response. However, without the consent of the constituent, there should be a presumption against:-

- a councillor sharing personal data with other ward councillors;
- an officer who receives personal data from a councillor sharing it with other ward councillors.

9.3 Officers must therefore ensure the confidentiality of the responses they provide to councillors on individual casework. But it is also essential to ensure that consistent advice is provided. Constituents may approach more than one councillor for their ward. Procedures need to be in place to ensure that each councillors receives the same response.

FIFE COUNCIL

Policy, Finance & Asset Management Committee
13th September 2007
Agenda Item No ....

COUNCILLOR AND OFFICER PROTOCOL FOR MULTI-MEMBER WARDS

1.   This protocol has been established to assist councillors and officers develop efficient working relationships in the new multi-member ward system. At this early stage it is based on a good practice checklist produced by the Convention of Scottish Local Authorities, the Society of Local Authority Chief Executives Scotland and the Society of Local Authority Lawyers and Solicitors in Scotland.

2.   The main purpose of the protocol is to ensure equal treatment to councillors from officers but also to reduce the potential duplication inherent in multi-member ward working.

3.   Further work is required to identify any issues or problems councillors are experiencing in practice arising from multi-member working over and above the co-ordination and communication issues set out in the protocol. The outcome of this work should be used to inform and develop the protocol.

4.   The protocol focuses very much on councillor – officer relationships in respect of Multi-Member wards. This focus on councillor – officer relationships and case management is consistent with research findings from the experience in England, Wales, Ireland and New Zealand where the Improvement Service* found that there were no formal protocols covering member - member relationships.

5.   Recommendation

     Committee is asked to agree the protocol as the basis for ensuring consistency and good practice in dealing with case management and related issues in multi-member wards

Michael Enston
Executive Director
Performance and Organisational Support

*The Improvement Service was established as a partnership between the Scottish Executive, the Convention of Scottish Local Authorities (COSLA) and the Society of Local Authority Chief Executives Scotland (SOLACE). It exists to promote efficiency, quality and accountability of public services in Scotland through learning, sharing knowledge and delivering improvement solutions.

1

FIFE COUNCIL

MEMBER AND OFFICER PROTOCOL FOR MULTI-MEMBER WARDS

1. **Principles**

   The protocol is based on the following principles:

   - each Councillor has been democratically elected to represent the whole of the multi-member ward and each has equal status within the ward.
   - Councillors should agree amongst themselves whether and how they wish to work together.
   - it is not the role of officers to influence whether or how Councillors work together
   - the role of officers is to manage and support those relationships and the information and workloads which flow from them

2. **Provision of information on ward members to the public**

   Factual information about ward councillors needs to be provided to constituents and organisations seeking contact with a local councillor.

   a) When members of the public contact the Council requesting information about their ward councillors, contact details of all councillors are provided in alphabetical order along with their political affiliation.

   b) Where someone has not identified a particular Councillor to deal with their concerns the officer handling the contact should phone or email the constituent to clarify which councillor they would like to deal with their query.

   c) When it is not possible to get clarification over which councillor is to be approached, the last resort should be to copy the query to all of the ward councillors. In this circumstance the member of the public should be advised that the query will be copied to each of the ward Councillors.

3. **Council activity or policy affecting the ward**

   Sharing information with councillors about council activities and policies affecting their ward is a key component of equal treatment.

   a) All councillors in a multi-member ward should be kept informed of, and have an input into, matters of Council business which affect their ward.

   b) Whenever a public meeting is arranged by the Council or by a Councillor to consider an issue local to a ward, or one or more wards in a part of the Council, all the ward councillor(s) should normally be invited to attend the meeting.

   c) Whenever the Council undertakes a consultative exercise on a issue local to one or more wards, the appropriate officers should notify the ward councillors of the consultation and request their views on the issue.

d) All councillors in a multi-member ward should be kept informed of official engagements of Senior Councillors including the Provost and officially organised visits to the ward by other elected representatives and VIPs. It is the responsibility of the Senior Councillor to ensure that other members are informed of their official engagements and in normal circumstances at least 3 days notice of an official engagement should be provided.

e) In the case of a visit by an MP, MSP, MEP, Ministerial representatives or other dignitary, the responsibility for informing local members rests with the officer who is organising arrangements for the visit. (More detailed guidance is to be found in the 'Guidance on Ministerial, Other Governmental and VIP Visits')

4. Officer communication to, and meetings with local residents

a) When officers write to residents regarding matters of general concern in an area, all ward councillors should be sent copies. Examples would include traffic calming measures, bin collection cycles, etc.

b) When officers write to or meet with residents regarding issues affecting one household the local councillors are not informed, except:

i) Where a Councillor has been involved in a private matter affecting that household, then the relevant officer(s) should keep the Councillor informed of developments until the matter is concluded, or

ii) Where a Councillor has been involved in a non-personal matter affecting more than one household then the relevant officer(s) should keep both the councillor and all other local councillors informed of developments until the issue is finalised.

5. Councillors arranging meetings with council officers

There is no requirement for officers to automatically invite other ward councillors to, or notify them about, meetings organised by an individual councillor with that officer unless the Councillor requests otherwise.

6. Councillor engagement with local representative groups

This can include for example; community councils, tenants and residents groups, local forums.

a) Councillors are not obliged to attend these meetings and it is likely that involvement and participation will vary. In some Wards, councillors may opt to share this workload based on a Party or geographic basis. Issues arising from these meetings will generate work for officers and confusion / duplication may arise if different councillors take up issues through separate channels. The confusion will be heightened if the group also pursues the same issue.

b) Local representative groups should strive to be inclusive in their dealings with councillorrs even though historically they may have had a working relationship with some of the Members now representing the Ward. In the absence of any agreement by the local councillors, good practice should be for the group to invite all of the local councillors to meetings.

7. Councillor involvement with voluntary organisations

a) There is no stated requirement or entitlement for Councillors to attend voluntary groups unless they are specifically appointed by the Council to that voluntary body. Councillors may however become involved as individuals, whilst some or all local Councillors may be invited by the group, to lend their support. Voluntary organisations will be reminded that all Councillors in a multi-member ward have equal status.

b) Issues arising from the Councillor's involvement with community and voluntary sector organisations should be raised with the sponsoring service via the link officer.

8. Correspondence with Councillors

a) Where a Councillor has written (or e-mailed) to an officer seeking information from the Council, the officer will respond to that Councillor within 2 weeks unless the enquiry is complex, when an acknowledgement will be sent within 5 working days, explaining which officer is dealing with the query and when a full reply will be provided. The officer will not disclose correspondence to other Councillors in the ward. However, where a Councillor raises issues of general concern or interest to the ward, the officer shall ensure that other Councillors within the ward are also kept informed and advised of any actions to be taken by the Council.

b) If Councillors seek the same or similar information on any issue then officers shall treat the requests equally and provide each Councillor with a similar response.

9. Data Protection and Confidentiality

Officers and councillors must be alert to data protection issues. Personal data can only be provided to a Councillor when pursuing an individual case on behalf of the constituent when that constituent has provided clear consent, which need not necessarily be in writing. Such personal data cannot be provided to other Councillors within the ward unless consent has been received from the constituent.

10. Councillor - Councillor relations

This protocol focuses chiefly on the issue of case management at the local level. Where there is a good level of trust between councillors in a multi-member ward they may wish to enter into non binding agreements to take advantage of their interests and expertise and reduce duplication. The establishment of such agreements is not a matter for this protocol. Where any such agreements are established, it would be helpful to communicate these more widely to assist the development of good practice in all multi-member wards.

Michael Enston
Executive Director
Performance & Organisational Support

Fife House
Glenrothes

29th August 2007

East Lothian
Council

REPORT TO: East Lothian Council

MEETING DATE: 28 June 2011

BY: Chief Executive

SUBJECT: Report on the Review of the Impact of Multi-Member Wards and Officer/Member Relations

---

1   PURPOSE

1.1   To provide Council with a final report on the review of the impact of multi-member wards and officer/member relations.

2   RECOMMENDATIONS

2.1   Council is asked to note the findings from the surveys of councillors and officers (para 3.10) and agree the following recommendations arising from these findings and desk based research:

- Elected members, to comply with the Data Protection 1998 Act, should ensure that any constituents' enquiry that may involve the disclosure of personal data/sensitive personal data should be accompanied by a signed consent form.

- Further consultation should take place with elected members and senior officers on the value of producing guidance on multi-member ward working and on whether elements of a protocol for multi-member ward working and dealing with constituents' enquiries should be included in the Scheme of Delegation or Standing Orders.

- Council should consider adopting the Improvement Service's Members' Portal electronic caseload management system following further detailed consideration of the issues involved through discussions with (and possible site visits to) Councils that have already adopted the system. Any recommendation to adopt the Members' Portal will be the subject of a further report to Council.

- Council should participate in the Improvement Service CPD scheme to allow existing and new councillors to join the scheme.

- Officers, in consultation with councillors from all groups, will produce guidance on the roles and responsibilities of councillors which will be the subject of a further report to Council.

3   BACKGROUND

3.1   The Review of the Impact of Multi-Member Wards and Officer/Member Relations was carried out in response to three issues.

3.2   Firstly, the action plan from the Audit Scotland Annual Report to Members 2008/09 that was agreed by Council in December 2009 included the following action: *'the Council should review the effectiveness of new ways of working in order to ensure all members are fully aware of their respective responsibilities.'*

3.3   The report noted that *'the creation of multi-member wards has required new ways of working to support efficient representation and sharing of workload'*. It suggested that: *'it is important that the effectiveness of these new ways of working are assessed and reviewed with the results reported to Council. Such a review will assist members in evaluating whether the arrangements are working satisfactorily or whether modifications are required.'*

3.4   The Audit Scotland report stated that not carrying out the review carries the risk that: *'arrangements for multi-member wards are not ensuring that all members are aware of and meeting the expectations placed on them and are sharing information and citizen specific workloads effectively.'*

3.5   Secondly, an Audit Scotland study into the roles and working relationships of officers and elected members (August 2010) touched on the issue of multi-member wards. The study looked at how well councillors and officers understand their respective roles and responsibilities. The report includes key points for action for councillors and officers to support good working relationships, improve awareness and understanding about roles and responsibilities and ensure governance arrangements are fit for purpose and up-to-date. Audit & Governance Committee (September 2010) agreed that these issues should be considered alongside the review of multi-member wards.

3.6   Thirdly, the Audit of Best Value and Community Planning (Best Value 2) that will be carried out by Audit Scotland in 2012/13 will consider the working relationships between elected members and between officer and elected members. Any issues or problems in these relationships that might impact on the Council's capacity to sustain continuous improvement will be picked up and commented on in the Audit.

Scope of the Review

3.7 The review considered three key issues:

- The effectiveness of new ways of working in relation to multi-member wards

- How well councillors and officers understand their respective roles, responsibilities and relationships

- Areas of improvement to achieve better practice and performance.

3.8 Specific issues and actions that were considered by the review included:

- the future personal development and training needs of councillors.

- whether the guidance on roles and responsibilities in relation to scrutiny and review should be extended.

- whether East Lothian Council should adopt a multi-member ward protocol.

- whether councillors would benefit from a caseload management system and whether/ how this could be linked to the Council's CRM system.

- the role of councillors in Local Area Forums.

Methodology

3.9 The review was carried out using the following methodology. Councillors' views were gathered through a survey. Nineteen councillors completed the survey (a response rate of 83% of councillors, with a high level of representation across the political parties). The views of senior officers (Corporate Management Team and Business Unit Managers) were gathered through a survey. Thirty seven officers completed the survey (a response rate of almost 60%). Interim findings from the surveys and draft recommendations were presented to Audit & Governance Committee, 15th March 2011. The views of members' support staff/PAs were gathered through one-to-one interviews. Desk based research was used to identify good practice on officer-member protocols, caseload management and other relevant areas. A draft report was circulated to all members prior to and then discussed at a briefing on the Code of Conduct for Elected Members held on 14th June 2011. The draft report was amended in light of comments made on the draft report.

Key Findings from Surveys of Elected Members and Senior Officers

3.10 The following bullet points are a summary of the key findings from the surveys of elected members and senior officers.

Impact of multi-member wards

- The creation of multi-member wards has had an impact on the work of elected members and council officers. Elected members who were councillors prior to 2007 reported that their constituency workload has increased due to the increase in the size of their wards and the increase in number of Community Councils and other local groups.

- Elected members are more likely than officers to have experienced problems with the way in which multi-member wards operate.

- The majority of councillors have some form of agreement with other members in their ward to share workload (e.g. attendance at community meetings) and almost all councillors share information and engage with other members in their ward.

- Some services have procedures in place to assist in dealing with elected members and ward business.

- A majority of councillors and officers think that the Council and councillors themselves could do more to make the multi-member ward system operate more effectively. Examples of improvements include providing councillors with access to a caseload management system and providing guidance or a voluntary protocol on the working relationship between ward councillors.

- Some concern was expressed by councillors at the level of trust and respect between councillors.

- The majority of councillors reported that they have positive and constructive relationships with Community Councils.

- There were a range of views on the role that Councillors should play in Local Area Forums.

- The majority of councillors agreed they might, or they definitely would, use an electronic caseload management system.

Relationships between councillors and officers

- Whereas a large majority of councillors stated they are confident that they understand the difference between the roles and responsibilities of councillors and those of officers, a majority of officers who responded to the survey were less confident that councillors fully understand the differences.

- Officers were less confident than councillors that there is a positive relationship and a climate of trust and respect between councillors and officers.

Guidance, information and training

- Generally both councillors and officers think that the Councillors' Code of Conduct is understood and applied well in the Council. However,

three councillors and around a quarter of officers stated that the Code is not applied 'very well'.

- Councillors are generally confident that they perform their representational, community leadership and policy making roles effectively. However, they are less confident that they are able to perform well their scrutiny role effectively.

- Although the majority of councillors who represent the Council on outside bodies are clear about their roles and responsibilities around half of them stated that they think that their effectiveness as the Council representative could be improved.

- A majority of councillors and officers agreed that consideration should be given to producing a guide to the roles and responsibilities of councillors.

- A majority of respondents to the surveys agreed that further consideration needs to be given to the training and development needs of councillors.

3.11 The Audit & Governance Committee (15th March 2011) that considered the interim findings from the surveys of councillors and officers agreed that the following issues should be explored and reported on further in the final report:

- protocols and agreements in relation to ward councillors sharing information and workload in respect of ward business and constituents' casework

- consideration of councillors' use of the electronic Caseload Management System that has been developed by the Improvement Service

- the Improvement Service's CPD for elected members

- guidance on the roles and responsibilities of councillors, including their role in Local Area Forums and outside bodies.

Protocol for Multi-Member Wards

3.12 The issue of protocols to govern how elected members operate in multi-member wards was considered prior to the 2007 elections. A working group established by the Scottish Executive in 2005 to report on the detail of implementing the new STV electoral system concluded that the introduction of multi-member wards *"suggest an increasing ward based workload for councillors and the need for some thought to be given to the principles of information sharing between councillors, sufficient resources to support the constituency work of councillors and clarity in the roles of councillors in relation to ward based organisations."* It issued a draft protocol on working in multi-member wards for consultation but found little support amongst councils for the introduction of a formal protocol.

3.13 It should be noted that following consideration of the implications of the Data Protection Act 1998 in 2004 East Lothian Council adopted a procedure whereby councillors sought constituents' permission to be provided with personal/sensitive personal data in relation to housing matters through a consent form to be signed by the constituent. In June 2009 in recognition of issues raised in connection with multi-member wards and the desirability on some occasions for members to pass enquiries to another ward members or the relevant Council spokesperson/ cabinet member an amended consent form was adopted (see Appendix 1).

3.14 ***Recommendation: Elected members, to comply with the Data Protection 1998 Act, should ensure that any constituents' enquiry that may involve the disclosure of personal data/sensitive personal data should be accompanied by a signed consent form.***

3.15 Most councils including East Lothian Council, have taken the view that the Code of Conduct for Councillors governs much of the behavioural issues that might be included in a protocol and that trying to 'legislate' for how councillors and constituents might wish to operate in relation to constituency business is virtually impossible. Few councils have adopted Multi-Member Ward protocols. However, examples of protocols adopted by three Councils have been considered as possible 'blueprints' for a protocol or guidance:

- Stirling Council: Procedure for Dealing with Enquiries
- Glasgow City Council: Note on Multi-Member Ward Working for Council Services and ALEOs
- East Renfrewshire Council: Protocol for Multi-Member Ward Working

3.16 The Council's Corporate Improvement Plan 2011 includes an action to review the Council's Scheme of Delegation. The Standards Commission for Scotland has issued a revised Code of Conduct for Councillors and guidance on the new Code (due to be published in May 2011). The review of the Scheme of Delegation and the adoption of the new Code of Conduct, which needs to be added to the Council's Standing Orders, provide an opportunity to consider whether elements of a protocol for multi-member ward working and dealing with constituents' enquiries should be included in the Scheme of Delegation or Standing Orders.

3.17 The Councillors' Code of Conduct governs how councillors are expected to behave and act. It is not intended that the Code should be replaced by a formal protocol. However, informal guidance could promote good practice and some aspects of this possibly, could be reflected in Standing Orders or Scheme of Delegation.

3.18 ***Recommendation: further consultation should take place with elected members and senior officers on the value of producing guidance on multi-member ward working and on whether elements of a protocol for multi-member ward working and dealing with***

constituents' enquiries should be included in the Scheme of Delegation or Standing Orders.

3.19 The recommendation is seeking approval for further consultation with councillors and officers on guidance and possible amendments to the Standing Orders and Scheme of Delegation. Any changes to Standing Orders or the Scheme of Delegation deemed necessary would either be brought forward as a proposal for change or more likely would be included within the proposed review of the Scheme of Delegation and would require a 2/3rds majority.

Caseload Management

3.20 Councillors who were members of the Council prior to the 2007 elections have reported that they have experienced an increase in constituency based workload due to the substantial increase in the size of the wards they represent. This view was supported by members' PAs. Councillors have established methods of working to deal with constituents' case work themselves or with the support of members support staff (PAs). However, the survey and interviews with members' PAs suggest that a caseload management system could assist in increasing the efficiency and effectiveness of dealing with constituents' case work.

3.21 The Improvement Service has developed a Members' Portal as a secure, online platform to manage and track elected members' caseload. The portal is a flexible, simple-to-use system, accessible from home, surgery or office, which can be fully integrated into a council's existing Customer Relations Management (CRM) system. The system is fully secure, with councillors only seeing data for their own ward, respecting confidentiality and political affiliations. Using the portal, councillors are able to:

- raise new cases from a supplied list of the frequently raised cases
- search for existing cases (by ward, property, street or individual)
- escalate cases, and add notes to service departments
- send alerts automatically to service departments
- track cases through unique tracking numbers
- run ward based report, including maps of cases and incidences.

3.22 The Members' Portal was developed by Argyll & Bute Council in association with LAGAN and the Improvement Service. It has recently been adopted by Dumfries and Galloway Council and a further four or five Councils have also signed up to adopting the Portal. Other Councils use their own in-house systems or another off the shelf generic or elected members' caseload system. Progress in rolling out the Members' Portal to interested Councils has been a bit slower than anticipated. Issues such as data protection, the requirement for constituent's consent for the release of personal data and the level of permissions for councillors and council staff to view data on the system are issues that have been considered and resolved by Councils that have adopted the system. The Improvement Service's Members' Portal Frequently Asked Questions

factsheet provides responses to some of the questions that have been raised by councillors. (see Appendix 2)

3.23 Customer Services have indicated that adopting the Improvement Service Members' Portal which is based on the same CRM system (LAGAN) used by the Council would have potential benefits. In particular, it would allow for the integration of reporting of councillors' constituent cases into the Council's CRM and feedback monitoring systems. Ward data on number and type of cases raised by members of the public could be produced to improve the monitoring of complaints and issues.

3.24 *Recommendation: Council should consider adopting the Improvement Service's Members' Portal electronic caseload management system following further detailed consideration of the issues involved through discussions with (and possible site visits to) Councils that have already adopted the system. Any recommendation to adopt the Members' Portal will be the subject of a further report to Council.*

Elected Members' CPD

3.25 East Lothian Council took part in the piloting of the Improvement Service's Continuous Professional Development (CPD) programme for elected members. Thirteen of the 23 East Lothian councillors completed the online Personal Development Profile as the first stage of the programme. Ten of these councillors agreed to participate in the next stage of Personal Development Planning and a number identified personal training and development needs and attended training courses and/ or workshop sessions.

3.26 The Improvement Service completed an evaluation of the CPD pilot project in 2010 following which it decided to launch the full scheme across all Scottish Councils. The Council has indicated to the Improvement Service that it might participate in the full scheme to allow councillors who did not take part in the pilot to join the CPD scheme. The Council would then also be in the position of allowing newly elected councillors following the May 2012 Council elections to join the scheme. The Council already has access to the Brightwave software that is used by participants in the CPD so the costs of participating in the scheme can be contained within the elected members' training budget.

3.27 *Recommendation: Council should agree to participate in the Improvement Service CPD scheme to allow existing and new councillors to join the scheme.*

Guidance on roles and responsibilities of councillors

3.28 The Councillors' Induction Pack prepared by the Improvement Services for councillors elected in May 2007 contained sections on the roles and responsibilities of councillors. The Council's Standing Orders

incorporating the Scheme of Administration, Scheme of Delegation to Members and Officers and the Councillors' Code of Conduct includes references to councillors' roles and responsibilities. The Council produced a Scrutiny and Review Toolkit for councillors to assist councillors to undertake their scrutiny and review roles with particular reference to the new Policy & Performance Review Committee and Audit and Governance Committee. However, there is no single or comprehensive statement of the various roles and responsibilities of councillors in East Lothian Council.

3.29 The surveys of councillors and senior officers suggest that guidance on the roles and responsibilities of East Lothian Councillors would be useful to both councillors and officers. The guidance would take into account and incorporate advice from the Scottish Local Authorities Remuneration Committee, the Improvement Service and the Councillors Code of Conduct. Also, it would take account of issues specific to East Lothian such as the development of Local Area Forums, outside bodies such as Enjoy Leisure (and potentially Joint Boards or 3rd party entities established to deliver shared services), the Council's relationship with Community Councils and the Council's Schemes of Administration and Delegation. The guidance would not propose a 'one size fits all job specification' for all councillors, but would clearly differentiate the differing roles of councillors – representation, policy making, community leadership and governance/ scrutiny.

3.30 *Recommendation: Officers, in consultation with councillors from all groups, will produce guidance on the roles and responsibilities of councillors, which will be the subject of a further report to Council.*

4 POLICY IMPLICATIONS

4.1 The review of the impact of multi-member wards and officer member relations fulfils the remit from the Audit Scotland Annual Report to Members 2008/09 to: *'review the effectiveness of new ways of working in order to ensure all members are fully aware of their respective responsibilities.'* and from the Audit & Governance Committee to consider the implications of the Audit Scotland report on the roles and working relationships of officers and elected members.

4.2 The review and its recommendations will assist the Council to prepare for the Audit of Best Value and Community Planning that Audit Scotland is due to undertake in 2012/13 and to improving the Council's capacity to sustain continuous improvement.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – None at this stage. Costs associated with the Improvement Service CPD scheme can be contained within the existing members' training budget. The cost of adopting the Members' Portal, which could be met from the Modernising Government Fund would be as follows:

- Licensing – one off non-recurring cost of £8,000, payable to the Improvement Service to recover part of the upfront development costs (this price applying to the first 10 councils only)

- Installation services – one off cost of £3,000 payable by each council to Lagan upon installation within each council (this price applying to the first 10 councils only)

- Annual Support and Maintenance – annual recurring costs of £2,250 payable by each council to Lagan, the first upon Go-Live.

However, final costs associated with the adoption of the Improvement Service's Members' Portal will be the subject of a future report.

6.2 Personnel – None.

6.3 Other – None.

7 BACKGROUND PAPERS

7.1 Interim Report on the Review of the Impact of Multi-member Wards and Officer Member Relations; Audit and Governance Committee, 15th March 2011

7.2 Stirling Council – Note on Dealing with Constituent Enquiries

7.3 Glasgow City Council – Note on Multi-Member Ward Working for Council Services and ALEOs

7.4 East Renfrewshire Council – Protocol for Multi-Member Ward Working

7.5 Appendix 1: Consent for East Lothian Council to Disclose Personal Data/ Sensitive Personal Data to Councillors

7.6 Appendix 2: Improvement Service's Members' Portal Frequently Asked Questions

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Corporate Policy Manager
CONTACT INFO	pvestri@eastlothian.gov.uk 01620 827320
DATE	16 June 2011

REPORT TO: THE MORAY COUNCIL ON 4 JULY 2012

SUBJECT: BEST VALUE FOR MORAY - GOVERNANCE DOCUMENTS

BY: ACTING CHIEF EXECUTIVE

1.   REASON FOR REPORT

1.1   To request that Council considers and approves the documents as detailed in the Appendices to the Report relating to the various roles of Elected Members and the regulation of Council business.

1.2   This report is submitted to Council in terms of Paragraph A60 of the Council's Administrative Scheme dealing with matters relating to monitoring of public reporting.

2.   RECOMMENDATION

2.1   The Council is asked to consider and approve the undernoted documents which were approved in principle at the Meeting of the Council on 4 April 2012:

   i.   Role and Responsibilities of a Councillor and Additional duties of Senior Councillors (Appendices 1 and 2)
   ii.   Role description - the Leader of the Council (Appendix 3)
   iii. Role description - the Civic Head of the Council (The Convener) (Appendix 4)
   iv.   Role description - the Leader of the Largest Opposition Group (Appendix 5)
   v.   Chairperson's Protocol (Appendix 6)
   vi.   Draft checklist for meetings between Chairs and Directors (Appendix 7)
   vii. Protocol on Access Arrangements for Council Facilities (Appendix 9)
   viii. Guidance for Councillors and Officials serving on Outside Bodies (Appendix 10)
   ix.   Elected Members' Training Protocol (Appendix 11)

2.2   The Council is further asked to consider and approve the "How to make a complaint against a Moray Councillor" document (Appendix 8) which has been revised in light of concerns expressed by Members.

2.3   The Council is asked to consider and approve the following additional documents:

   (i)   Multi Member Ward Protocol for Members(Appendix 12)
   (ii) Multi Member Ward Protocol for Officers (Appendix 13)

3.   BACKGROUND

3.1   Each of the documents detailed in this Report has been prepared to improve governance arrangements and communications within the Council. Certain documents also address concerns expressed by Audit Scotland in the June 2010 Best Value Review regarding the political leadership of the Council.

MULTI MEMBER WARDS

Protocol for multi-member wards, information for Councillors.

Working as part of a group presents particular challenges. Research into the operation of multi member wards suggests that, when members focus on delivering results for the community rather than on political competition, the benefits are maximised. If members in the same ward are to work together successfully, some basic rules should be observed. These are as follows;

- Members are elected to represent the whole ward and should not identify themselves as representing a particular part of a ward or only dealing with particular subjects across the ward; members may agree to share the workload of a ward either geographically or by subject but can only pass on a constituent's concern with the agreement of the constituent. The constituent has the right to approach any member in a ward about an issue.

- Members should not identify themselves as being the sole representative of a ward.

- As required by the Code of Conduct, members should represent their constituents' interests conscientiously and should be accessible to their constituents.

- As ward members all Councillors have equal status.

- Under normal circumstances, members should not deal with matters relating to a constituent or a constituency issue outwith their own wards, although there may be circumstances where this would be acceptable, for example in respect of an area wide issue or a policy issue.

- Where a constituent acts in an unreasonable or inappropriate manner towards a Councillor, advice should be sought from the Chief Executive and it may be decided that the manner in which the constituent may contact local Councillors be restricted

- Councillors should not notify other members in a ward of the enquiries which they have received from constituents nor copy constituents' correspondence to other Councillors without the consent of the individual concerned as this may breach the Data Protection Act.

- Members may become involved in cross boundary issues such as those involving Community Councils; as with any other constituency issue, details should only be shared with other ward Councillors if the approval of the body concerned is obtained.

- It is helpful for constituents if members in the same ward work together to share:

- Information
- Surgery coordination
- Holiday coordination
- Meetings with Council Officers, MSPs or other parties on common ward issues
-

MULTI MEMBER WARDS

GUIDANCE FOR OFFICERS

1. If a constituent contacts you asking who their local ward member is, give them the details of all ward members in alphabetical order of surname, followed by their political party if they have one. Check that the caller has heard all the names to ensure members whose surnames are at the end of the alphabet are not disadvantaged.

2. The final decision on which member to contact lies with the constituent, an officer <u>must</u> not choose for them or give advice on this.

3. If you are arranging a public meeting in a ward you must invite all local members to the meeting.

4. If you are asked by an elected member or an MP / MSP / MEP to attend a public meeting organised by them in your capacity as a Council officer to give advice to the meeting, you can only attend if all ward members have been invited. It is not necessary that they be in attendance but they must have received an invitation to the meeting.

5. If an elected member asks you to attend a meeting with an individual or single organisation and you are permitted to attend by your line manager as legitimate Council business it is not necessary for all ward members to be invited to the meeting.

6. If you are carrying out a consultation exercise within one or more wards, all members within these wards should be informed of all consultation.

7. If you are all writing to all residents in a ward, or a significant number of residents in the ward on a matter of general concern, all ward members should be sent copies as far in advance as is practicable, and where possible, at least 24 hours in advance. This is to enable members to be prepared for contact by constitutents, not to provide an opportunity for members to seek to edit the officer's letter.

8. If you are writing to one individual or household on a private matter, there will be data protection issues and you may require to refer to the data protection policy / guidance for assistance. As a general rule the correspondence can only be copied to the ward member who has raised the issue and who has the constituent's permission to act on their behalf.

9. All ward councillors should be invited to events organised by officers in their community. This might include official openings of Council venues, school events or civic receptions.

10. We should, as officers, ensure that organisations who receive funding or officer support from the Council who hold regular public meetings should invite all ward members, such as Community Councils or Community Centre Management Committees. If a Parent Council decides to involve elected members, all members in the ward within which the school is located should be invited to meetings.

11. When an elected member raises an enquiry with you about an **individual or a specific issue in their ward** you are not permitted to advise other members in the ward that the Councillor has raised this query <u>unless</u> you have the permission of the Councillor raising the query.

    If another Councillor contacts you with the same or very similar enquiry, the members' enquiry system will help you to ensure they receive the same factual information. The Council has agreed (to be confirmed) that at this stage you can tell this elected member that the same or a similar query has been raised and you can tell them the name of the member who has raised it. You cannot give them any of the correspondence between you and any elected member involved in the enquiry, although of course you can provide the same factual information which you have uncovered as a result of the action you have taken.

    If any further elected members contact you with the same query, you can give them the names of all the other members who have raised this with you.

    If in any doubt speak to your line manager and if, having done so further guidance is required, please contact the Democratic Services Manager.