

LOCAL MEMBERS' – PROTOCOL

Scope

1. The following Protocol sets out a framework of rights or practices which are to be applied to local members. The protocol cannot be comprehensive and its provisions must be interpreted flexibly and with regard to any special circumstances which may apply in any particular case. They represent a base line from which any departure should be capable of justification. Except where impractical, any departure from this protocol should be approved by a Chief Officer.
2. Members are also reminded of the provisions of the Local Code of Conduct.

Definitions

3. In this protocol 'Local Member' shall mean the member(s) for an Electoral Division to which a matter relates exclusively, or which relates solely to an elector of that Division and 'local matter' shall be interpreted accordingly.
4. Where a single matter contains a series of discrete items, each of which relates exclusively to the Electoral Division of a member, then each item shall be treated as a 'local matter'.
5. Where a single matter attaches to not more than three Electoral Divisions the Chief Officer shall give consideration to treating the matter as a 'local matter' for each of the relevant Members and shall apply the spirit of this Protocol accordingly.
6. For the purpose of this Protocol, the term 'public bodies' shall include school governing bodies.
7. Regulatory Committees means any committee dealing with a quasi-judicial function and includes:-
 - Area Planning Committees
 - Social Services Complaints and Appeals Panel
 - General Appeals Panel
 - Standards Committee (hearings)
 - Strategic Licensing Committee
 - Area Licensing Committees
 - Licensing Sub Committee (hearings)

Committee Reports

8. Chief Officers should ensure that local matters being reported to Cabinet, Committees or Panels should be marked accordingly and a copy of the item supplied to the Local Member at the same time as the Cabinet, Committee or Panel papers are despatched.
9. Local Members have the right to attend and be heard at Cabinet Committee/Panels in accordance with Council and Executive Procedure Rules, subject to the giving of prior notice.

Consultation

10. Where an officer makes a decision or exercises any delegated power in relation to a local matter, the officer must consider whether it would be appropriate to consult the Local Member before reaching the decision or exercising the delegation. Where the matter is likely to receive press interest or impacts on the rights or responsibilities of any other public body, e.g. a Parish Council, the officer must always consult the Local Member.
11. Where any delegation is to be exercised regarding a local matter which must be published in the decisions list by virtue of it being a key decision, the Local Member must be consulted.

Local Meetings

12. Where seminars, public meetings or public activities to be held in a Member's Division are arranged by the Council, or are to be formally attended by any member of the Council other than the Local Member, then the Local Member for the Division in which the event or activity takes place must be informed. This provision shall not attach to seminars, public meetings or activities to be held at the Shirehall, Shrewsbury.
13. While Portfolio Holders and Chairmen of Committees have the right to pursue matters relating to their Portfolio/Committee's functions wheresoever in the County they arise, the Portfolio Holder/Chairmen must seek to inform the Local Member and consider involving the Local Member if appropriate.
14. Local Members must be invited to the opening of any buildings or launches of services in their Division though, if present, the Chairman of Council, Speaker, Chair of Cabinet or Portfolio Holder shall take precedence unless otherwise agreed. However, if a Portfolio Holder/Chairman is attending an occasion in another Member's Division at the invitation of another organisation, it should not be assumed that the Council has the right automatically to invite the Local Member, but must keep the Local Member informed.

15. Where local liaison or local consultation groups are established the Local Member must be invited to attend, either as a member of the group or as an observer.

Publicity

16. Any publicity activity organised by Council officers in a Member's Division, whether of a local or county-wide nature, must seek to involve the relevant Local Member.

Officer Meetings and Correspondence

17. The nature and extent of correspondence between the Council's Directorates on the one hand and the public or specific clients or recipients of services including their representatives on the other, is such that it is neither appropriate or practical for Local Members to be advised of all such matters, But officers should keep in mind the value of informing the Local Member where sensitive, or potentially public issues might arise on which the Local Member might reasonably be expected to comment. Where senior officers are in correspondence regarding local matters, or with public bodies where they are invited to attend a meeting with such a body in relation to a local matter, the Local Member must be made aware of the general circumstances.
18. Where any officer is invited to attend a Parish or Town Council meeting they shall inform all Councillors whose Divisions include all or part of the Parish or Town Council areas.
19. Any information communicated to the Local Member shall be without prejudice to the right of an officer to communicate with any relevant Portfolio Holder, Committee Chairman, Group Leader or other Councillor as appropriate in the circumstances.

Actions by Non Local Member

20. Where a Member wishes to propose a motion or seek a debate in Council or any Committee or Panel in relation to a local matter in another Member's Division they must, as a matter of courtesy, give prior warning to the Local Member.
21. All Members who involve themselves in matters relating to the Council or its functions in Divisions other than their own must, as a matter of courtesy, advise the Local Member of those actions and should do so in advance if circumstances permit. (This shall not attach to canvassing or other party political activity.)

Confidentiality

22. Any information communicated to the Local Member under this Protocol, unless in the public domain, shall be treated with an appropriate degree of confidence, in particular, Members should not make public, nor use for personal purposes, any information or material supplied to them by reason of this Protocol.
23. Where Members seek or provide information in relation to 'local matters' then such communication shall remain confidential between the Council's officers and the Member, except so far as the member agrees otherwise, or to the extent such communication is required to be published by reason of law, legal or other formal proceedings.

Commitments

24. Local Members are reminded that they do not have the right to commit the Council or its officers to any particular course of action and should ensure that they do not convey to the public any false impression of commitment or give any undertaking which they are not in a position to personally fulfil.
25. Members who participate in Planning Committees should not commit themselves to fixed views before the consideration of the matter by the relevant committee. If they do so they may attend as the 'Local Member' and speak but not participate or vote.

Complaints

26. It must be recognised that formal complaints need to be dealt with by agreed complaints procedures and Councillors must abide by these arrangements and allow Complaints Officers to resolve a complaint in accordance with these procedures.
27. If a matter is particularly sensitive or likely to be high profile in nature, then officers should, if appropriate, inform the Local Member(s) as soon as possible.
28. Members are reminded of their ability to refer the complaints of their constituents to the Local Government Ombudsman who has considerable legal powers to carry out formal enquiries where he/she is satisfied the complaint justifies this. However, approaches to the Ombudsman by Councillors, or the encouragement of constituents to approach the Ombudsman, should normally only occur after an attempt has been made to resolve the matter locally.

29. Councillors must respect the confidentiality of complaints in the light of advice from the Monitoring Officer or relevant Chief Officer and this should include the outcome of any complaint where it is felt appropriate not to make public comment. Councillors should not normally contact complainants without the knowledge of those directly involved in resolving the complaint.

Breaches

30. Any breach of this Protocol shall be treated as a breach of a Code for the purpose of the Standards Procedures attaching to the conduct of Members or may be treated as a disciplinary matter in relation to officers.