

CONSTITUTION COMMITTEE: 14 JANUARY 2011

**PROTOCOL ON MEMBER ENGAGEMENT, CONSULTATION
AND CORRESPONDENCE – DISCUSSION PAPER**

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

AGENDA ITEM: 4

Reason for this Report

1. To provide Members with the opportunity to consider a draft Protocol on Member Engagement, Consultation and Correspondence.

Background

2. The Council at its meeting on 23 September 2010 (Minute No 77) considered a Notice of Motion regarding engagement and consultation by the Council with Members. The substantive motion was agreed as follows:

This Council notes that the 75 Members of Cardiff County Council have been elected to represent one of 29 Wards and the constituents living therein and it is the responsibility of Members to represent constituents on all aspects of civic life and Council activity. Increasingly Members of all parties have expressed concern that they feel unable to adequately carry out their role because the Council has failed to fully engage Members in early discussion on developments that are taking place in their Wards. Many feel that consultation with them on Ward matters, when it does take place, is superficial rather than a genuine consultation and that it has occurred at the end of a process that has already been decided.

This Council also notes that many of the questions tabled at meetings of the full Council relate to Ward matters and are attempts to obtain information that might just as easily be obtained directly from officers. This suggests that many Members feel that questions at Council meetings are the only way that they can obtain answers within a reasonable time-frame.

This Council requests the Constitution Committee to consider this matter, by December 2010, and to agree a proposed protocol for consideration at a subsequent full Council meeting that will set out clearly what Members can expect with regard to consultation and responses to their requests for information about Ward matters.

This Council expects the aforementioned protocol to place an emphasis on engaging Members in discussions about all issues and developments that will impact on their Wards or constituents from their inception; that will place them on an equal footing with other partners and stakeholders and will accurately capture their views. The protocol should include details on how Members' views will be recorded and presented in reports and ensure that when decisions are made contrary to Members' expressed views this is detailed in the report.

The protocol should also detail clear guidelines and timescales to officers on responses to Members' questions."

3. In order to ascertain Members' key concerns regarding the current consultation mechanisms and their aspirations for any new protocol, a discussion paper setting out potential key principles that could inform such a protocol was considered at a Whips Meeting on 8 November 2010. At this meeting, it was agreed that each party group would consider the document and submit any views for inclusion in the final draft protocol. This report reflects comments that have been received to date from political parties/groups.

Issues

Member Consultation

4. It is recognised that there are a number of existing service area methodologies for consultation with Members and that these have, in many instances, been developed to reflect legislative requirements and/or best practice. As a result, it is not intended that there should be one methodology for all future consultations with Members, but it is vital that all such methodologies, and the implementation of these, are carried out within the principles that are laid out in any new protocol.
5. The draft Member Engagement, Consultation and Correspondence Protocol, which is attached as **Appendix A**, draws upon evidence from a number of local authorities recommended by the Consultation Institute as operating best practice in this area of work. A copy of the existing Ask Cardiff Framework is also attached for information as **Appendix B** to this report.

Correspondence with Members

6. The Notice of Motion that was approved by Council on 23 September 2010 restated Members' concerns and frustrations regarding response times, and the quality of those responses, to correspondence and other enquiries from Members. It may be appropriate to consider whether the existing correspondence protocols are being complied with and, indeed, whether the prescribed response timescales are still appropriate. For example, the Welsh Assembly Government currently uses a timescale of 17 working days for responding to correspondence sent to Ministers, including e-mail.
7. The following table sets out details of the current guidance on timescales for responding to correspondence:

From:	To:	Response Time for Acknowledgement	Response Time for Full Reply
Councillor	Executive Member		10 calendar days from date of receipt
Councillor	Officer		10 calendar days from date of receipt
AM / MP / MEP / Public	Executive Member	10 calendar days from date of receipt	21 calendar days from date or receipt
Public	Officer	10 calendar days from date of receipt	21 calendar days from date or receipt

8. The existing guidance does not make reference to e-mails and, to date, some have interpreted this 'silence' as an indication that e-mail correspondence is not applicable to the prescribed response timescales. However, as more and more Member correspondence, enquiries and requests for information are submitted via this channel of communication, it may be considered appropriate to clarify the position relating to e-mail correspondence.
9. The Council does not currently have a Corporate Electronic Document and Records Management System (ED&RMS) which would assist in the effective performance management and monitoring of correspondence response times to Members. In advance of any future such system being implemented, it would assist Service Areas if all correspondence, particularly e-mail correspondence, could be submitted to either nominated officers or specific mailboxes. For example, each service area could establish a dedicated Members' Enquiry Mailbox. Alternatively, Members could make greater use of the C2C Councillor Contact Mailbox, which was introduced in July 2010.

Legal Implications

10. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date, and Article 14 of the Constitution provides for review and revision of the Constitution from time to time to ensure that the Constitution meets the needs of the organisation.

Financial Implications

11. There are no financial implications arising directly from this report.

Recommendation

The Committee is recommended to give consideration to the draft Member Engagement, Consultation and Correspondence Protocol, which is attached as **Appendix A** to this report.

MIKE DAVIES

Head of Democratic Services

10 January 2011

The following appendices are attached:

Appendix A: Draft Member Engagement, Consultation and Correspondence Protocol

Appendix B: Ask Cardiff Framework

APPENDIX A

DRAFT MEMBER ENGAGEMENT, CONSULTATION AND CORRESPONDENCE PROTOCOL

Effective Communication with Members

The Council needs to ensure that there are robust channels of communication in place with Members. The Council needs to take an inclusive approach to its work and ensure that there is wide consultation with all Members, both within the formal decision making process and outside it.

To that end, officers will:

- keep Members informed about the major issues concerning the Council and other matters which affect individual wards. The Corporate Management Board has a responsibility to put in place mechanisms to ensure that this happens and will need to determine what information is appropriate to share with Members – however, this will not normally include personal data due to data protection restrictions.
- where appropriate, consult Ward Members in advance about significant issues, events, agenda items, formal discussions and other aspects of Council business which affect or may affect their ward. These instances could include, but are not limited to:
 - The sale or purchase of any land;
 - Planning applications;
 - Licensing applications (including consultation with Ward Members from adjoining wards when relating to premises located on or close to the boundary of a ward);
 - Proposed traffic management or resident parking schemes (including initial consultation and subsequent notification of implementation/street works following approval);
 - Any permanent or significant changes to waste collection routes or street cleansing regimes within their ward;
 - Where legal/administrative action is to be taken on behalf of the Council involving the publication of statutory or other public notices;
 - Consultation prior to any decision being made about the construction of any new road, building or footpath or the postponement or cancellation of such projects or diversion or extinguishment of any public footpath;
 - Copies of letters received from other statutory bodies informing the Council of any new scheme of works (e.g. the laying of a new sewer or gas main through the ward);
 - Copies of letters or e-mail messages sent by any Executive Member or an officer in reply to any Ward Member or Community Councillor on a ward related matter;
 - Consultation about proposed section 106 and other infrastructure agreements and progress reports on implementation of completed agreements.

- ensure that Ward Members are informed about appropriate and significant matters concerning those schools whose catchment areas overlap with their ward boundaries.
- notify Ward Members accordingly when correspondence or information is sent to a group of households within their ward on a particular issue.
- where the Executive is to consider any matter which relates directly to a specific ward(s), make provision for Ward Members to be consulted before any decision is reached. Details of any Local Member Consultation which has been undertaken should be included within reports for decision that are considered by the Executive.
- make provision for Ward Members to be consulted by any Scrutiny Committee which is reviewing a decision or investigating any matter that relates directly to a specific ward.
- Ward Members' right to comment on any matter which relates directly to their specific ward should include:
 - The submission of written comments to appropriate officers and/or the relevant Executive Member/Committee Chair;
 - The opportunity to meet and discuss matters with appropriate officers and/or the relevant Executive Member prior to any decision being made;
 - Where appropriate and the rules of the particular meeting allow, attendance at the meeting at which any decision is to be made and the right to speak on the issue for not more than 5 minutes.

Involving Members in Consultation Exercises

Elected Members are not only responsible for many of the decisions that are made by the Council, but are also responsible for ensuring that the views of residents in their wards are considered as part of the decision making process.

To that end, Members will be:

- informed of any consultation that is being undertaken which has a specific focus on their ward and this should include, where appropriate, an invitation to the Ward Member(s) to give their views on the design of the work at the earliest practicable opportunity and to be informed of the outcomes of the work.
- informed of consultation exercises that affect or involve the whole local authority area.
- made aware of the Ask Cardiff website (www.askcardiff.com) where they can access information on a wide range of consultation exercises being undertaken by the Council and other key stakeholders and access feedback on work that has been completed.

The most senior decision-making arrangements involve Executive Members who have a lead responsibility for specific services and functions as part of their Executive Member portfolios.

To that end, the appropriate Executive Member will be:

- informed where a consultation or engagement exercise may deal with specific services that lie within their portfolio to give a view on the design of the work at the earliest practicable opportunity and to be informed of the outcomes of the work.

Across the Council, arrangements are already in place which allow policies or decisions to be looked at carefully by Members other than those responsible for considering matters as part of the Scrutiny process.

To that end, the relevant Scrutiny Committee will be:

- informed of consultation and engagement activities that are being proposed to give a view on the design of the work at the earliest practicable opportunity and to be informed of the outcomes of the work.

Members are also well placed to advise on who the local stakeholders might be for different consultations and which communities to engage with when considering a consultation and engagement audience. They are also in a position to advise on timings, appropriate venues and links with other local work that is being undertaken.

To that end, Executive Members and Ward Members will be:

- where appropriate, consulted on the methodological issues relating to consultation exercises.

Member Requests for Information and Correspondence

Members' Rights to Information

- Individual Members have a right to information and support on a 'need to know' basis and officers must serve the whole Council objectively and should provide impartial and consistent advice and information at all times.

Members' Correspondence

- The current response standards for replying to Members require a full response to be provided within 10 calendar days wherever possible. If exceptional circumstances prevent compliance with this standard (e.g. the need to consult an external body, the requirement for detailed research, non-availability of the information requested, etc.), the Member will be advised within 10 days and told when a response may be expected.
- E-mail correspondence from Members should, wherever possible, be submitted to the dedicated Members' Enquiry Mailbox established by each service area. Officers should, where practicable, seek to provide a response by e-mail to Members' enquiries or requests for information as soon as possible and should not be constrained by the response timescales set out in the protocol.
- Any technical or professional advice given to a Member must be such that the Member has sufficient information to be able to take an informed view and so as to be able to carry out their duties as an Elected Member. For the avoidance of doubt, technical or professional advice must be given on an impartial basis.
- When correspondence from a Member raises an issue relating to a ward other than their own, the local Member(s) for that ward will be informed of the issue, unless there are proper reasons for maintaining confidentiality (e.g. the matter relates to an allegation of child abuse or it would result in the disclosure of personal data). Any response to the Member will be copied to the local Member(s). If the issue raised requires action to be taken, local Members' views will be sought on how the matter may be addressed. If the issue is one which requires a response and it was raised initially by a member of the public, that person will be contacted directly to advise them of how the matter will be dealt with.
- Any complaints regarding adherence by service areas to the protocol should be submitted in writing to the Chief Officer (Legal & Democratic Services) so that corrective action can be implemented.

APPENDIX B

Ask Cardiff Framework

In October 2009 the Executive approved a new Consultation and Engagement Strategy for the Council and the Ask Cardiff Consultation and Engagement Framework.

The aim of Strategy and Ask Cardiff Framework is to take forward a coordinated approach to consultation and engagement across the Council and in partnership with LSB partners by:

- Identifying and promoting best practice in terms of consultation and engagement;
- Aligning consultation and engagement approaches across public service providers;
- Identifying local needs and priorities;
- Improve feedback mechanisms for citizens and communities;
- Enabling more effective access to consultation and data across public services.

Ensuring that the views of elected members, stakeholders and service users are used to inform our plans, policies and service planning is vital. This is particularly important following the establishment of Local Service Boards, together with the current economic climate and budget situation.

The Ask Cardiff Consultation and Engagement Strategy was informed by positive response to previous strategies and discussions with local partners. It sets out a standardised approach to consultation and engagement and identifies practical applications to achieve longer term objectives. It also sets out support and coordination arrangements and has the overriding aim to add value and reduce bureaucracy.

The Strategy provides decision makers with a framework that will enable improved decision making; better local service provision; better citizen focus; maximisation of existing resources; and a reduction in duplication. This will help to deliver some of the core aims and objectives of the Strategic Change Programme and Corporate Plan.

In addition to the Strategy the Ask Cardiff Consultation and Engagement Framework includes the following supporting measures, based primarily around the www.askcardiff.com website:

- Consultation and Engagement Guidance
- An e-Learning Module on Consultation and Engagement
- The Council's Citizens' Panel
- A Consultation Calendar
- Online Access to Statistics
- An Online Consultation Management System (eCONSULT)
- A Local Consultation Management Board
- Shared Public Sector Consultation Resources
- Multi-Agency Data Analysis Capacity