

Standards Committee – 27th January 2014

General Management of Constituent Queries

1. Summary of report

To consult with the Committee on the draft document General Management of Constituent Queries

2. Recommendation

- 2.1 That the report be noted.

3. Report detail

In recent months a number of complaints have been referred to the Monitoring Officer where the complaint has arisen over a failure of the public to fully understand the variety of roles and responsibilities councillors have in fulfilling their democratic function.

To assist councillors in disseminating information to their constituents when they come to them with issues, the council has produced a draft document entitled "General Management of Constituent Queries", to assist councillors in fully understanding the complexity of their role and to provide practical advice for them in dealing with their constituents.

This document is being placed before Standards Committee for consultation to see if such guidance is of practical assistance, and to seek views on how to best disseminate this document to all elected members.

Background Papers

1. Draft Guidance

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General Guidance for Managing Constituents Enquiries

To fully understand the role of a Councillor in dealing with constituent enquiries or complaints it is vital to understand the primary role of the Councillor. There is no statutory definition of the role of a Councillor however the Local Government Act 1989 states that Councillors must adhere to particular standards of good conduct. These standards are set out in the Councillor Code of Conduct at Part 5.1 of the Council's Constitution.

Councillor roles and responsibilities can be summarised as follows:

- To represent the interests of their constituents of the ward, dealing with their enquiries equally and without prejudice
- To be a community leader providing a focus for the development of the community
- To contribute to good governance by participating in and supporting the decision making process of the Council
- To take into account the views of local people and to encourage community involvement in the Council's decision making process
- To explain the reasons of how and why decisions are taken by the Council
- To scrutinise and where appropriate challenge how decisions are taken by the Council's executive.
- To develop and review Council policy
- To help the council in managing its regulatory, quasi-judicial and statutory functions
- To act as an ambassador for the Council in local, national and international matters
- To act as a corporate parent for those children who are in the care of the Council

Councillors collectively take decisions which affect the lives of everybody who lives, works or visits Walsall. They have overall responsibility for the work of the council its' strategies and how it performs. Although it is the duty of a Councillor to represent the whole community, they have a special responsibility to champion the needs of constituents in their wards. This can lead to conflict in the between ward interests, individual constituent interests and the wider interests of the borough as a whole. These can be difficult to reconcile however a Councillor should consider all the information available, consider all aspects and views on a matter, and make an honest and objective decision. This is the most that can be expected of a councillor.

The adage that springs to mind is that, "One can please some of the people some of the time, but cannot please all of the people all of the time." Effective communication is therefore vital to elected members in explaining their actions and decisions particularly in respect of controversial issues for example planning matters. Listening sympathetically to all sides of the argument is important. It is also

important to explain to constituents about the limitations placed upon you in representing their interests. This will avoid them having unrealistic expectations of what you can achieve on their behalf. However approachable or sympathetic you try to be, you represent your constituents by providing the services that they need, not everything they want.

The variety of roles that a Councillor needs to undertake can lead to tensions and conflicts of interests, not least because of the general representative role that a Councillor has for his constituents can cause conflict with making decisions that affect their constituents directly. That is why it is important for a Councillor to consider which role he or she is fulfilling before they form a view, make decisions or act in that role, as this will often avoid any challenges regarding conduct at a later stage, for example where a Councillor who sits on the planning committee is approached by constituent regarding their planning application. There is always a risk that the councillor when sitting in planning committee is open to being accused of having bias or having predetermined the matter because they discussed it with the applicant. The same applies where for example; the Councillor is approached by people who oppose an application. In those circumstances it is recommended that the councillor explained that they sit upon the planning committee and are required in law to consider all the information that is presented to the committee at the time of its deliberating the matter. Therefore, whilst the Councillor may listen to representations they cannot express a view either way on the matter. Further, if those people wish to seek guidance, advice, support or representation on the matter from a councillor, they should approach one of the other ward councillors who do not sit on the planning committee. This approach not only helps foster productive relationships, but can reduce misunderstandings and frustration at a later stage and reduces the risk of findings against the councillor by the Local Government Ombudsman and in extreme cases the courts overturning the planning committee decision.

Councillors have to represent their constituents on a wide range of issues. In doing so councillors must obey the law, the council code of conduct, including following the principles of natural justice in decision making. The latter is important where a council is making or administering rules which affect the rights and obligations of citizens, particularly where councillors are involved in the granting or refusing permissions licences and planning applications. In determining such matters a councillor must, pay attention to relevant considerations and ignore irrelevant ones; consider and weigh all the evidence in a case or application; consider the issues on their merits; act fairly and within the law.

Councillors may also be a member of a political group on the council which also may cause tensions between developing group policy and representing constituents. It is always important to remember however that you represent all constituents of your ward even those who did not vote for you.

In fulfilling all aspects of their role and responsibilities as a councillor, a councillor should always have regard to the “Nolan” principles of standards in public life which form part of the Council’s member code of conduct, at 5.1 of the Council’s constitution

These are:

- Selflessness - to serve only the public interest and never improperly confer advantage or disadvantage on any person.
- Integrity - Councillors should not place themselves in situations where their integrity may be questioned, should not behave improperly and should avoid the appearance of such behaviour.
- Objectivity - Councillors should make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.
- Accountability - Councillors should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
- Openness - Councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- Honesty - Councillors should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Councillors should declare any private interests relating their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership - Councillors should promote and support these principles by leadership, and by example, and should act in a way that preserves public confidence.

Part 9 of the Council’s constitution sets out a role description of Ward Councillors. This is set out at Appendix 1 of this document for information.

The Councillor's role

Being a Councillor is one of the most rewarding forms of public service. As a democratically elected local representative, you have a unique and privileged position - and the potential to really make a real difference to people's lives.

However, being a good councillor is hard work. Every day, you will be expected to balance the needs and interests of your local area, your residents and voters, community groups, local businesses, your political party and the council. All will make legitimate demands on your time - on top of your personal commitments to your family, friends and workplace.

As a Councillor, you will have many different roles to balance. First and foremost, you will represent your ward, engaging with residents and groups on a wide range of different issues and taking on an important community leadership role. At the Council, you will contribute to the development of policies and strategies, including its budget setting and you may be involved in scrutinising Council decisions or taking decisions on planning or licensing applications.

Representing the local area

The Councillor's primary role is to represent their ward or division and the people who live in it.

Councillors provide a bridge between the community and the council. As well as being an advocate for your local residents, and signposting them to the right people at the council, you will need to keep them informed about the issues that affect them. In order to understand and represent local views and priorities you will need to build strong relationships and encourage local people to make their views known, and to engage with you and with the Council.

As the local Councillor, your residents will expect you to:

- respond to their queries and investigate their concerns (known as casework)
- communicate council decisions that affect them
- know your patch - and be aware of any problems
- know and work with representatives of local organisations, interest groups and businesses
- represent their views at council meetings
- lead local campaigns on their behalf.

Good communication and engagement is central to being an effective local representative and working with local organisations, such as the local parish or town Council, is one way to keep in touch.

Community leadership

Community leadership is at the heart of modern local government. Councils work in partnership with local communities and other organisations - including the public, voluntary and community and private sectors - to develop a vision for their local area and to find ways to work collaboratively to improve services and quality of life for citizens. Councillors have a lead role in this process.

Developing council policy

Councils need clear strategies and policies to enable them achieve their vision for the area, to make the best use of resources and to deliver services that meet the needs of local people. As a local Councillor, you will contribute to the development of those policies and strategies, bringing the views and priorities of your local area to the debate. How and where you do this will depend on the committees and other forums that you are appointed to.

However the Council's policy framework must be signed off by full Council, on which every Councillor sits.

As a new Councillor you may be appointed to the Council's Overview and Scrutiny Committee.

Appendix 1

WALSALL MBC ROLE DESCRIPTION

POST: Ward Councillor Key duties in the following areas: Community liaison

1. To participate constructively and effectively in the good governance of the Council, the Borough as a whole and your local area.
2. To deal effectively with the concerns of local residents on issues pertaining to the Council and its partners.
3. To represent effectively the interests of the ward for which elected.
4. To participate effectively in all relevant consultative processes with the local community and with other organisations.
5. To develop and maintain a working knowledge of the organisations, services and activities and other matters which affect and impact on the local community.

Overview and scrutiny

1. To contribute actively in the overview and scrutiny of the Council's policies, budget, strategies and service delivery when you are not a Member of the Executive.
2. To participate actively and effectively as a Member on any scrutiny, regulatory or other Committee/panel, assembly or forum to which the Councillor is appointed and assist the Chairmen in the discharge of the key duties of that position.
3. To participate, where appropriate, in the scrutiny of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the authority and the needs of its residents.

Statutory

1. To fulfil the statutory requirements of an elected Member of a local authority and to participate in those decisions and activities reserved to the Council.
2. To develop and maintain a working knowledge of the authority's services, management arrangements, powers, duties and constraints and to develop good working relationships with other members and with employees of the authority.

Ways of working

1. To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.
2. To comply with the Member/Officer protocol as set out in the Constitution.
3. To ensure that the principles of equality and fairness are integral to all actions and policies of the council.
4. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.
5. To make use of new technology as a means of effective communication.

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