

**IMPLEMENTATION EXECUTIVE
26 FEBRUARY 2009**

ROLE AND SUPPORT FOR COUNCILLORS IN THE PRE- ELECTION PERIOD

Executive Summary

This report seeks to clarify the role, the level of support to be provided and the procedure of dealing with constituency issues for continuing county councillors and retiring district councillors with substantive roles in the pre-election period.

The continuing county councillors will respond to and represent their constituents' views in respect of all council services, including inherited district council functions. All previous district councillors will have no constituency role although they might still receive enquiries or have outstanding casework and therefore will need to liaise with their continuing county councillor to ensure that these matters are dealt with. Arrangements will have to be made for this to be managed.

Democratic Services intend to have a presence in each of the office hubs and will endeavour to provide support for continuing and co-opted members. It is intended that these co-opted members will retain their ICT including support arrangements, and their electronic access to their normal software applications. Existing district council e-mail addresses will continue and forwarding arrangements will be put in place for a Wiltshire Council e-mail address.

Proposal

That the Implementation Executive

- a) agree to send the contents of this report to all existing councillors of the five councils and to all parish and town councils.
- b) issue a press release to inform Wiltshire residents of the role and support for councillors in the pre-election period.

Reason for Proposal

To clarify a number of areas of potential confusion regarding the role of councillors and the support for them in the period from 1 April to 4 June, i.e. the pre-election period.

John Quinton

Head of Democratic Services

ROLE AND SUPPORT FOR COUNCILLORS IN THE PRE-ELECTION PERIOD

Purpose of report

1. To clarify a number of areas of potential confusion regarding the role of councillors and their support in the period from 1 April to 4 June, i.e. the pre-election period.

Main Issues for Consideration

2. There are three potential groups of members which this report attempts to address, namely:-

- (a) ongoing and continuing county councillors;
- (b) retiring district councillors with substantive roles in the pre-election period
- (c) remaining retiring district councillors.

3. For each group this report seeks to clarify:-

- (a) their role
- (b) the support to be provided particularly but not exclusively ICT support
- (c) dealing with constituency issues and accessing council services.

Ongoing/Continuing County Councillors

4. Essentially their role and the manner in which they perform that role will continue as of now. However from 1 April 2009, these 49 councillors will also have to respond to and represent their constituents' views in respect of all council services, including inherited district council functions.

5. County Councillors, particularly those who may not have served on district councils previously, may wish to take the opportunity to receive a briefing on particular district council services. A corporate and service director structure is attached as Appendix 1 to this report and initially members are asked to contact the appropriate service director to arrange a briefing. Alternatively we could arrange some drop-in sessions for front line services if there was sufficient demand from members.

6. In this pre-election period there will be some subtle changes to the responsibilities for decision making. The current Council's Cabinet will have no formal role and all of its responsibilities for the day to day running of the council will be assumed by the Implementation Executive (IE) in addition to its continuing role of preparing for the new council post elections in June.

7. Area Planning Committees, comprising co-opted members from the district councils, will replace the existing district council development control committees for this period. A list of memberships and dates for meetings is attached at Appendix 2. Likewise a Licensing Committee will be in place to discharge the new Council's responsibilities in relation to the Gambling and Licensing Acts during the pre-election period and final arrangements are currently being made to co-opt district councillors to fulfil these functions. The Strategic Planning Committee will not be in place until after the elections and its role will be performed by the Regulatory Committee.

8. The Standards Committee will assume the responsibilities of the previous district council Standards Committees in relation to complaints against parish and town

councillors and will meet as and when necessary. Arrangements are already in hand to recruit additional co-opted and independent members to enable the committee to manage the additional business.

9. Overview and Scrutiny will continue to function as currently although there is likely to be less task group activity on the transition. As the IE will continue to function during the pre-election period, the Joint Overview & Scrutiny Transition Board (JOSTB) will be realigned under the County Council's Overview and Scrutiny Management Committee and the four ex-district members will be co-opted for this period.

10. Otherwise the continuing committees of the County Council will continue to meet as and when required in this period.

11. Support to members, including ICT, will continue as currently provided and Democratic Services will continue to act as a first point of contact if members are unsure of how to progress or resolve any issue.

12. It is proposed to provide new ICT equipment to those councillors elected in June and preparations are in hand to distribute this equipment as part of the induction process immediately after the elections. Accordingly, it is proposed to withdraw existing ICT equipment in early June 2009. Any member, in particular those not standing in the elections, may wish to return their equipment earlier and will be free to do so. Further details will be provided to all members on this issue very soon.

13. As referenced in paragraph 4 above ongoing county councillors will also have to deal with constituent representations in respect of inherited district council functions. Councillors will of course wish to continue to operate in their normal manner but they will also need to liaise with their former district council colleagues to ensure a seamless transfer as of 1 April. This could involve picking up casework un-resolved as at that date, or at least agreeing a method for resolving that issue, and liaising with those councillors in relation to representations they may receive from the public subsequent to that date. Contact details and mapping of the existing district wards will be produced for the website to assist Members in contacting the relevant district councillors, and vice-versa.

14. A dedicated phone line will also be established within the Customer Care Unit (CCU) to provide additional support to members in the pre-election period. Members would be able to log constituent requests, to identify specific teams/named officers to help them with their enquiry, sometimes an immediate response could be given and on other occasions the CCU would need to do some research and call back.

15. It is important that this message is communicated to the public and parish and town councils so that they know who to contact and know how to progress an issue.

Retiring District Councillors with Substantive Roles within the Pre-Election Period

16. These substantive roles can be categorised as those co-opted district council members on the IE, Area Planning and Licensing Committees and Overview and Scrutiny. These can be distinguished from other continuing roles that may be currently performed by other district councillors in that they are either provided for in

the relevant structural order or transitional regulations or they perform important functions in relation to the transition. Allowances for these roles are currently being considered by the Member Remuneration Panel.

17. The roles that these co-opted members perform will be limited to their service on those committees. Whilst these members will have important roles within their respective committees and will be full voting members, they have no formal role outside of the committee meetings. The co-opted members will have no constituency role and, for example, they will have no formal powers to call in planning applications etc. They may still be contacted about constituency issues and a procedure will need to be agreed with the continuing county councillor to ensure that these issues are handled in the correct manner.

18. Notwithstanding paragraph 17 above some district council co-opted members of the IE have already been allocated some portfolio responsibilities and this will continue post 1 April. They will therefore have some responsibilities outside of the formal meetings. Existing cabinet support arrangements will be extended to include co-opted members of the IE. O&S co-optees may also have a role outside of the formal Board meetings such as leading rapid scrutiny exercises.

19. In terms of support, Democratic Services will endeavour to provide support for all co-opted members but initially this would have to be fairly minimal such as acting as a first point of contact if members are unsure of how to progress or resolve an issue. Democratic Services hope to have a presence in each of the office hubs and so will be accessible to councillors as they would have been for district councillors.

20. It is intended that these co-opted members will retain their ICT and their electronic access to their normal software applications. Existing district council e-mail addresses will continue and conversion arrangements will be put in place to ensure that any sent e mails originate from a Wiltshire Council e-mail address. Support will be provided from the Steria Help Desk and there will be existing district council staff located within the hubs to provide support and advice. Again as in paragraph 12 existing ICT equipment will be withdrawn in early June 2009. Again further details will be provided to all members on this issue very soon.

21. It is not proposed to change the arrangements for access to the office hubs and parking during this period.

22. All co-opted members will be subject to and will be asked to sign the Wiltshire Council code of conduct.

The Remaining Retiring District Councillors

23. The remaining district councillors will retire on 31 March 2009. Undoubtedly however they will still receive enquiries in relation to council services and therefore they will need to liaise with their continuing county councillor to ensure that these enquiries are passed on. Likewise those retiring councillors may still have casework outstanding post 1 April although it is hoped that this can be kept to a minimum. Arrangements will have to be made for this to be managed and the attention of all members is drawn to the data protection issues identified at paragraphs 25 to 28 of this report.

24. ICT equipment from these councillors will have to be returned to the Council. From a data protection perspective the equipment will need to be “cleaned” and from an operational point of view the same staff preparing equipment for the new councillors will also be involved in the return of equipment from retiring councillors. On this basis it has been agreed to request the return of equipment from retiring district councillors by the end of April 2009. This will be managed through the staff remaining at the district council offices as referred to in paragraph 20 above.

Data Protection Issues

25. A member who intends to stand down completely following 31 March 2009 will have no lawful reason to retain any of the personal data acquired during their time as a councillor which is related to their work as a councillor.

26. Members who intend to stand at the Unitary elections have a legitimate interest in retaining such data. However, they will not be covered by District Councils' data protection registrations as these will lapse on 31 March 2009. Members who fall into this category must therefore not retain personal data acquired in their capacity as members of district councils. If they intend to stand as members of the unitary authority, they should contact Democratic Services to make arrangements for the personal data to be held by Wiltshire Council pending the elections. If they are successful, arrangements will be made to return the data to them. If they are not successful, paragraph 25 above applies.

27. IE Members and co-opted Members will be covered by the County Council's registration until the new authority takes over. If they are not members of the new authority, or still acting as co-optees, then paragraph 25 above applies.

28. If district councillors have case work they wish to transfer to ongoing County Councillors from 1st April 2009, they must consider if this would involve the disclosure of personal data. If so, they should write to the constituents involved and ask their permission to disclose the information to the relevant ongoing County Councillor. A template letter for this purpose will be made available on request from Democratic Services.

Conclusion

29. When Wiltshire Council comes into operation on 1 April 2009, councillors' business in relation to all local government functions in Wiltshire will have to be effectively managed until 4 June. Therefore, information will have to be publicised widely on how continuing county councillors will work with co-opted and retiring ex-district council councillors in the pre-election period and who members of the public should contact if they have an issue that they would like their councillor to pursue for them.