



Gloucester City Council

General Purposes Committee

Meeting: Monday, 19th June 2023 at 6.00 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Kubaszczyk (Vice-Chair), Evans, Hilton, Hudson, Pullen, Williams and Wilson
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

1.	APPOINTMENT OF CHAIR AND VICE-CHAIR To note the appointments made by Council at the Annual Meeting on 22 May 2023: <ul style="list-style-type: none">• Chair – Councillor Taylor• Vice Chair – Councillor Kubaszczyk
2.	APOLOGIES To receive any apologies for absence.
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	MINUTES (Pages 5 - 8) To approve as a correct record the minutes of the meeting held on 12 January 2023.
5.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public, provided that questions do not contravene the provisions set out Council Procedure Rule 10(2). To ask a question at this meeting, please submit it to democratic.services@gloucester.gov.uk by 12 noon on Tuesday 13 June 2023 or telephone 01452 396203 for support.

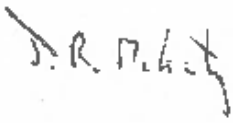
6. PETITIONS AND DEPUTATIONS (15 MINUTES)

To receive any petitions and deputations provided that no such petition or deputation is in relation to:

- Matters relating to individual Council Officers, or
- Matters relating to current or pending legal proceedings

7. CONSTITUTIONAL CHANGES (Pages 9 - 54)

To consider the report of the Head of Paid Service concerning various proposed changes to the Council's Constitution.



Jon McGinty
Managing Director

Date of Publication: Friday, 9 June 2023

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

Recording of meetings

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Chair aware before the meeting starts.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



GENERAL PURPOSES COMMITTEE

MEETING : Thursday, 12th January 2023

PRESENT : Cllrs. Evans, Hilton (Chair), Kubaszczyk and Castle

Others in Attendance

APOLOGIES : Cllrs. Williams, Hudson and Pullen

7. ELECTION OF CHAIR

1.1 In the absence of the Chair and Vice Chair, Councillor Kubaszczyk moved that Councillor Hilton be appointed as Chair for the meeting. Councillor Evans seconded the nomination.

1.2 **RESOLVED** – That Councillor Hilton be appointed as Chair for the meeting.

8. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

9. MINUTES

3.1 The minutes of the meeting held on 7 September 2022 were confirmed as a correct record and signed by the Chair.

10. PUBLIC QUESTION TIME (15 MINUTES)

4.1 There were no public questions.

11. PETITIONS AND DEPUTATIONS (15 MINUTES)

5.1 There were no petitions or deputations.

12. REVIEW OF MEMBERS' ALLOWANCES 2023

6.1 The Chair welcomed Mr Graham Russell, Chair of the Independent Remuneration Panel (IRP) to the meeting and invited him to present the Panel's report and recommendations.

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- 6.2 Mr Russell thanked Members for their co-operation with the review of Members' allowances, through surveys and interviews, and summarised the Panel's recommendations as follows:
- In view of the flat rate increase awarded to local government officers instead of the usual percentage, an increase of 4.04% was recommended for the 2022/23 Scheme of Allowances, to be backdated to 1 April 2022.
 - No further increase was recommended for the 2023/24 Scheme of Allowances, however, the scheme would remain linked to the Local Government Pay Award and would be kept under review in the run up to the 2024 City Council elections.
 - It was recommended that the Special Responsibility Allowance (SRA) for the Chair of Overview and Scrutiny Committee be increased to the same level as the Chair of Planning Committee in view of the significance of the role.
 - It was recommended that the SRA for the Chair of the General Purposes Committee be deleted as the ad hoc nature of the meetings mean that the responsibilities were covered by the expectations of all Members in receipt of a Basic Allowance.
 - It was recommended that the council consider implementing a framework for the role of Member Champions.
- 6.3 The Chair referred to the comparative data on the number of residents per councillor for Cheltenham Borough and Cotswold District Councils and noted that, if this was taken into account when setting Gloucester's allowances, it would provide for a Basic Allowance of £6,600-6,700 before taking into account the proposed 4.04% uplift for 2022/23. He suggested that SRAs should be paid for some of the council's more onerous Outside Body roles and noted that some councils did not follow the one SRA per Member rule. He stated that he did not have a clear understanding of the roles of Member Champions and that they shouldn't attract an SRA, and he spoke in support of increasing the SRA for the Chair of Overview and Scrutiny Committee.
- 6.4 Councillor Kubaszczyk confirmed his support for the Panel's recommendations and in particular, increasing the SRA for the Chair of Overview and Scrutiny Committee and establishing a framework for Member Champion roles.
- 6.5 Mr Russell advised that the one SRA per Member rule was common practice, but not a requirement, and that the Panel were not suggesting that Member Champion roles should be remunerated, only that a framework would be beneficial. He thanked Members for their comments and reiterated that it was the Panel's intention to consider bringing forward further changes ahead of the 2024 elections, so that they would be in place for the new Council.
- 6.6 **RESOLVED TO RECOMMEND TO COUNCIL** - that the recommendations contained in the Report of the Independent Remuneration Panel (Appendices 1 and 2) be approved.

Time of commencement: 6.00 pm hours
Time of conclusion: 6.34 pm hours

Chair

GENERAL PURPOSES COMMITTEE
12.01.23

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Gloucester City Council

Meeting:	General Purposes Committee Council	Date:	19 June 2023 13 July 2023
Subject:	Constitutional Changes		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Alice McAlpine, Monitoring Officer Email: alice.mcalpine@gloucester.gov.uk		
Appendices:	1. Unified Gloucestershire Councils Member Code of Conduct 2. Revised Arrangements for dealing with Standards Allegations under the Localism Act 2011 2A. Comparison of revised Arrangements for dealing with Standards Allegations under the Localism Act 2011 against current Arrangements for dealing with Standards Allegations under the Localism Act 2011 3. New Officer/Member Protocol		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To propose changes to the Code of Conduct, Arrangements for dealing with Standards Allegations under the Localism Act 2011 and the Member/Employee Code of Conduct within the Council's constitution. The report also seeks authority to update the Part 3 of the Constitution (Scheme of Delegation) and the Overview and Scrutiny Procedure Rules in relation to the Call-In procedure.

2.0 Recommendations

2.1 General Purposes Committee is asked to **RECOMMEND TO COUNCIL** that:

- (1) The Unified Gloucestershire Code of Conduct as set out in Appendix 1 to the report is adopted.
- (2) The amended Arrangements for dealing with Standards Allegations under the Localism Act 2011 as set out in Appendix 2 is adopted.
- (3) The new Member/Officer Protocol as set out in Appendix 3 is adopted.
- (4) The Scheme of Delegation in Part 3 of the Constitution is amended in accordance with paragraph 3.8 of this report.

- (5) Rule 14 of the Overview and Scrutiny Procedure Rules is amended in accordance with paragraph 3.9 of this report.
- (6) Authority is delegated to the Monitoring Officer and Managing Director to correct references to the Council Solicitor throughout the Constitution to either the Director, One Legal or Monitoring Officer as appropriate and to make any other minor and consequential amendments arising from this decision.

2.2 Council is asked to **RESOLVE** that:

- (1) It adopts the Unified Gloucestershire Code of Conduct as set out in Appendix 1.
- (2) It adopts the amended Arrangements for dealing with Standards Allegations under the Localism Act 2011 as set out in Appendix 2.
- (3) It adopts the new Member/Officer Protocol as set out in Appendix 3.
- (4) The Scheme of Delegation in Part 3 of the Constitution is amended in accordance with paragraph 3.8 of this report.
- (5) Rule 14 of the Overview and Scrutiny Procedure Rules is amended in accordance with paragraph 3.9 of this report.
- (6) It delegates authority to the Monitoring Officer and Managing Director to make amendments arising from the senior staff restructure adopted on 15 May 2023 and to make any other minor and consequential amendments arising from this decision.

3.0 Background and Key Issues

Unified Gloucestershire Code of Conduct

- 3.1 The Monitoring Officers for the seven principal Gloucestershire Councils have worked together to draft a Gloucestershire wide Member Code of Conduct which has regard to the Local Government Association's model code of conduct but also takes into account the collective experience of the Monitoring Officers of the Gloucestershire councils both in operating their own codes of conduct and in having Members who are elected to more than one council.
- 3.2 There is considered to be a number of benefits to the council adopting the Unified Gloucestershire Code of Conduct and these include:
 - 3.2.1 for those elected to more than one council there will be a single code of conduct that applies across the councils;
 - 3.2.2 providing greater clarity and consistency for Members and the general public about the standards of behaviour that are expected of elected representatives when in their official capacity;
 - 3.2.3 where complaints are made against a Member the same considerations will apply irrespective of the council to which the complaint is made. This will reduce duplication and allow a single investigation of the complaint to be undertaken.
 - 3.2.4 enabling the sharing of experience and training resources across and between Gloucestershire councils.

- 3.3 As at the date of this report the Unified Gloucestershire Code of Conduct has been adopted by Cheltenham Borough Council; Cotswold District Council; Forest of Dean District Council; Gloucestershire County Council and Stroud District Council.
- 3.4 The key differences between the currently adopted code of conduct and the proposed Unified Gloucestershire Code of Conduct are:
- 3.4.1 it provides more detail on what the expected principles of behaviour mean and how these should be demonstrated.
- 3.4.2 it introduces new obligations in relation to compliance with the Council's ICT policy and following the Local Authority Code of Publicity.
- 3.4.3 the amended drafting in the Unified Gloucestershire Code of Conduct that relates to Members Registers of Interest adds clarity and the new wording should aid understanding of Members' responsibilities in relation to declaring interests.

Arrangements for dealing with Standards Allegations under the Localism Act 2011

- 3.5 Minor Amendments are proposed to the Arrangements for dealing with Standards Allegations under the Localism Act 2011. The amendments bring the arrangements into alignment with other council's arrangements and will demonstrate the importance of the code of conduct to Members and provide transparency to the process for those who make a complaint against a member which is upheld either following Local Resolution or a Local Hearing.
- 3.6 The differences between the current arrangements and the amended arrangements are shown as track changes at Appendix 2 A.

Member/Officer Protocol

- 3.7 Given the work undertaken in relation to the Unified Gloucestershire Code of Conduct, the review of the Arrangements for dealing with Standards Allegations under the Localism Act 2011 and following the LGA Corporate Peer Challenge and the approval of the Action Plan by Cabinet on 3 May 2023 it is proposed that a new Officer/Member Protocol is adopted. The new protocol has been drafted to clarify the mutual roles and responsibilities of Officers and Members to foster good working practices in relation to such matters as decision making, access to information and advice. The drafting is based on good practice and other councils commended on how the Members and Officers work together. It is to be noted that whereas the previous protocol referred to Employees and Members if is advised that the reference should be to Officers as this is considered to be more appropriate in the context of the Constitution.

Amendments to Part 3D: Officer Non-Executive Functions and Part 3E: Executive Arrangements

- 3.8 It is proposed that changes are made to Part 3D and Part 3E of the Constitution to ensure that any delegations of Officers set out in with non-Executive or Executive decisions revert to the Managing Director in the event that the specified Officer was absent or the Officer role was vacant.

- 3.8.1 Changes proposed to Line 2 of Table 3 of Part 3D under the heading of “Managing Director”.
Discharge any non-Executive Function which is delegated to an officer ~~under Part 3D.~~
- 3.8.2 Changes proposed to Line 1 of Table 5 of Part 3E under the heading of “Managing Director”.
Discharge any Executive Function which is delegated to an officer ~~under Part 3E.~~
- 3.8.3 These amendments are required for the efficient running of the Council and allow decisions to be taken in a timely way. The amendments are also considered to add clarity to these delegations.
- 3.9 It is proposed that the following clarifying amendment is made to Rule 14 of the Overview and Scrutiny Procedure Rules:
- 3.9.1 An additional sub paragraph be added as 14 (e) “Call in does not apply to decisions made by the Cabinet, an individual Cabinet Member or a Committee of the Cabinet, or an Executive decision made by an officer with delegated authority from the Cabinet, or an Area Committee or under joint arrangements that make recommendations to Council because those decisions are in fact recommendations and will not be implemented in any event until the matter has been considered and decided by Council”.

4.0 Social Value Considerations

- 4.1 Not applicable.

5.0 Environmental Implications

- 5.1 Not applicable.

6.0 Alternative Options Considered

- 6.1 Council could decide not to adopt the updated documents as part of the Constitution. This is not recommended as it is considered that the new code of conduct, the revised Arrangements for dealing with Standards Allegations under the Localism Act 2011 and the new Member/Officer Protocol provide additional clarity to the role of Members, transparency for Members of the public and addresses the recommendation of the LGA Corporate Peer Review to review of role of Members, specifically member/officer relations, member conduct, and clarity on roles and responsibilities.
- 6.2 Council could decide not to agree the proposed amendments to Part 3 of the Constitution and the Overview and Scrutiny Procedure Rules. This is not recommended as the proposed amendments support effective and timely decision making by the council.

7.0 Reasons for Recommendations

- 7.1 The adoption of the Unified Gloucestershire Code of Conduct, the amendments to the Arrangement for dealing with Standards Complaints under the Localism Act 2011 and the adoption of the new Member/Officer Protocol is considered to be good

practice as they take into consideration experience and guidance published since these parts of the constitution were last reviewed and revised.

7.2 The proposed amendments to Part 3 of the Constitution and to the Overview and Scrutiny Procedure Rules are considered to support efficient decision making.

8.0 Future Work and Conclusions

8.1 It is proposed that if the revised documents are adopted, they shall take effect at the close of the Council meeting. The changes will be made to the Constitution, which will be republished on the Council's website as soon as reasonably practicable.

8.2 Further reviews and proposed revisions will be made before the end of this municipal year specifically in relation to amendments to the Officer Code of Conduct and the adoption of a Social Media Protocol to reflect the changes in the new code of conduct and the new Officer/Member Protocol. The Constitution is an evolving document and there is a rolling programme of review and updating.

8.3 Training on the amended Code of Conduct and associated Protocols will be incorporated into the induction programme following the Council elections in May 2024. It is recommended that all Councillors, not only new Councillors, attend this training.

9.0 Financial Implications

9.1 There are no direct financial implications arising from the recommendations.

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 The Council must have a constitution and the requirements of the constitution are set by statute. It is considered good practice to keep the Constitution under review and update is as appropriate to reflect changing legislation, practice and to ensure that it supports the efficient functioning of the Council.

10.2 The principal statutory provisions relating to standards of conduct for Members are set out in the Localism Act 2011 (the "2011 Act"). Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members. Section 27 and 28 of the 2011 require the Council to adopt a Code of Conduct and have arrangements in place to investigate any complaints made against Members and make decisions on any complaints.

10.3 There are no legal implications arising from the proposed amendments to Part 3 of the Constitution and the Overview and Scrutiny Procedure Rules.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 Not Applicable

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact; therefore, a full PIA was not required.

13.0 Community Safety Implications

13.1 Not applicable

14.0 Staffing & Trade Union Implications

14.1 Not applicable

Background Documents: None

Draft APRIL 2023

Gloucester City Council

CODE OF MEMBERS' CONDUCT

**Adopted on [] taking effect on
[]**

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- Appendix B – Other Registrable Interests

I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Council's duty to promote and maintain high standards of conduct by Members of the Council.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of Gloucester City Council, including;
 - (a) when engaged in the business of Gloucester City Council including Ward business or representing the Council externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Gloucester City Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Council and any Protocols and Policies which may be adopted from time to time by the Council.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.¹

¹ Section 34 Localism Act 2011

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

General Requirements

- (1) **Do** treat everyone with respect.
- (2) **Do not** bully any person.
- (3) **Do not** harass any person
- (3) **Do** promote equalities and **do not** discriminate unlawfully against any person.

- (4) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- (5) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless–
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council.
- Before making any disclosure under (iv) above, the written advice of the Monitoring Officer must be sought and considered.
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (8) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (9) **Do** not behave in a manner which brings your role or the Council into disrepute.
- (11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Council, or authorising the use of those resources by others:

- (12) **Do** act in accordance with the Council's requirements including the requirements of the Council's ICT Policy.
- (13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or to the office to which you have been elected or appointed.
- (14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Council:

- (15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (16) **Do** have regard to advice provided to you by the Council's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- (17) **Do** be as open as possible about your own decisions and actions and those of the Council and be prepared to give reasons for those decisions and actions.
- (18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

- 8. Members shall observe the following rules when registering their interests.

- (1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
- (2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Monitoring Officer of the interest.
- (3) **Do** notify the Monitoring Officer of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
- (4) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** ensure that, if your interest is not entered in the Council's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(3) of this Code.
- (3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.
- (4) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have a disclosable pecuniary interest (Appendix A). You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

10. Other Interests (Other Registrable Interests Appendix B and Non - registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship

(including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

(3) **Do** ensure that you disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.

(4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,

(a) it affects the financial position of an interest specified in Appendix B (other registrable interests)

(b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate

or

(c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

- (5) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(4) above. You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

VII. Duties in respect of the Arrangements for dealing with Standards Complaints under the Localism Act 2011

11. Members shall observe the following:-

- (1) **Do** undertake training on the Code of Conduct as required by the Council.
- (2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Council.
- (3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Authority's Code of Conduct.

- (4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Monitoring Officer for a dispensation.
13. The Council may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Council, the following rules must be observed.
 - (1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
 - (2) **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt. (Appendix B).

- (3) **Do** register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

IX. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council.
5. "Member" is an elected Member or a Co-opted Member of the Authority.
"Co-opted Member" is a person who is not a Member of the Council but who is either a Member of any Committee or Sub-Committee of the Council, or a Member of, and represents the Council on, any Joint Committee or Joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
6. "Member of your family" means:

- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
7. "Monitoring Officer" is the Monitoring Officer to Gloucester City Council.
 8. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Council's Register in consequence of that notification.
 9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
 10. "The Act" is the Localism Act 2011.
 11. "The Council" is Gloucester City Council.
 12. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
 13. "Well-being" means general sense of contentment and quality of life.
 14. Excepted functions are functions of the Council in respect of

- (i) housing, where the Member is a tenant of the Council provided that those functions do not relate particularly to the Member's tenancy or lease;
- (ii) an allowance, payment or indemnity given to Members;
- (iii) any ceremonial honour given to Members; and
- (iv) setting Council tax or a precept under the Local Government Finance Act 1992.

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following**:

- the Member’s spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, Profession or Vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;

- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

Other Registrable Interests

The interests set out below are “other registrable interests” which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Council.)
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union). of which the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £100 or more.

ARRANGEMENTS FOR DEALING WITH STANDARDS

ALLEGATIONS UNDER THE LOCALISM ACT 2011

1 Context

1.01 These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this Council or of Quedgeley Town Council has failed to comply with the relevant Council’s adopted Code of Conduct and sets out how the Council will deal with allegations of a failure to comply with the Council’s adopted Code of Conduct.

1.02 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the Council or of Quedgeley Town Council, or of a Committee or Sub-Committee of the Council, has failed to comply with the relevant authority’s adopted Code of Conduct can be investigated and decisions made on such allegations.

1.03 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before making a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or a Member or co-opted Member of Quedgeley Town Council against whom an allegation has been made.

2 The Code of Conduct

2.01 The Council has adopted a Code of Conduct for Members, which is set out in Part 5 of this Constitution and is available for inspection on the Council’s website and on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.

2.02 Quedgeley Town Council is also required to adopt a Code of Conduct. If you wish to inspect Quedgeley Town Council’s Code of Conduct, you should refer to the Town Council’s website or request the town clerk to allow you to inspect the Town Council’s Code of Conduct.

3 Making a complaint

3.01 If you wish to make a please complete the Complaint form that is available on the Council’s website or can be requested from Democratic Services (democratic.services@gloucester.gov.uk or 01452 396203).

3.02 The Complaint form should then be sent either in hard copy or by email to –

The Monitoring Officer

Gloucester City Council

PO Box 2017

Pershore

WR10 9BJ

Or –

democratic.services@gloucester.gov.uk

3.03 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Members' interests and is responsible for administering the system in respect of complaints in respect of Member misconduct.

3.04 The complaint form will require you to provide the Council with your name and a contact postal address or email address, so that the Council is able to acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case the Council will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. PLEASE NOTE that the Council does not normally investigate anonymous complaints unless there is a clear public interest in doing so.

3.05 The Monitoring Officer will acknowledge receipt of the complaint to you within 5 working days of receiving it and will keep you informed of the progress of your complaint as appropriate.

4. Will the complaint be investigated?

4.01 The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within ten (10) working days of the date of acknowledgement of the complaint. When the Monitoring Officer has taken a decision, they will inform you of their decision and the reasons for that decision.

4.02 Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Quedgeley Town Councillor, the Monitoring Officer may also inform the Clerk to the Town Council of your complaint and seek the views of the Clerk to the Parish Council before deciding whether the complaint merits formal investigation.

4.03 Where appropriate the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that their conduct was not in accordance with the Council's adopted code of conduct and offering an apology, or other remedial action taken by the Council. Where the Member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.04 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. In some cases, at their discretion, the Monitoring Officer may refer the complaint to the Audit and Governance Committee to decide whether or not it should be investigated or other action taken.

5 How is the investigation conducted?

5.01 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix One to these arrangements.

5.02 If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another council or an external investigator who in the opinion of the Monitoring Officer is of suitable experience and standing. The Investigating Officer will decide whether they need to meet or speak

to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer may wish to interview.

The Investigating Officer would normally write to the Member against whom you have made a complaint and provide them with a copy of the complaint. The Investigating Officer will also ask the Member to provide their explanation of events and identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

5.03 In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can remove your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed to a stage where notifying the Member of your name and address is appropriate.

5.04 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any factual matter in that draft report with which you disagree or which either you or the Member considers requires more consideration.

5.05 Having received and taken account of any comments which are made on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the adopted Code of Conduct?

6.01 The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned and, if relevant, to the Clerk of Quedgeley Town Council, where the complaint relates to a Quedgeley Town Councillor, notifying you that they are satisfied that no further action is required, and providing a copy of the Investigating Officer's final report to both you and the Member. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.01 The Monitoring Officer will review the Investigating Officer's report and will then **either** send the matter for Hearing before the Hearings Panel or, after consulting the Independent Person, seek Local Resolution.

(a) Local Resolution

(a)(i) The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with you (as complainant) and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that their conduct breached the Council's adopted code of conduct and offering an apology, and/or other remedial action by the Council.

(a)(ii) The Monitoring Officer's decision shall be set out in a formal decision notice. A copy of the formal decision shall be sent to the complainant, to the Member and, if appropriate, to the Town

Council. The formal decision notice will be made available for public inspection on the Council's website.

(a) (iii) If the Member complies with the suggested resolution as set out in the formal decision notice no further action will be taken.

(b) Hearing

(b)(i) If the Monitoring Officer considers that Local Resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Hearing before deciding whether the Member has failed to comply with the adopted Code of Conduct and, if so, whether to take any action in respect of the Member.

(b)(ii) The Council has agreed a procedure for Hearings, which is attached as Appendix Two to these arrangements.

(b)(iii) Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report, in order to identify what in the Investigating Officer's report is likely to be agreed and what is likely to be in contention at the Hearing, and the Chair of the Hearings Panel, who will be a member of the Audit and Governance Committee may determine the process to be followed by the sub-committee at the Hearing and how it will be conducted. At the Hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the adopted Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the Hearing. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearing as to why they consider that they did not fail to comply with the adopted Code of Conduct.

(b)(iv) The Hearing sub-committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearing sub-committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearing sub-committee will then consider what action, if any, the Hearing sub-committee should take as a result of the Member's failure to comply with the adopted Code of Conduct. In doing this, the Hearing sub-committee will give the Member an opportunity to make representations to the Hearing sub-committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Hearing sub-committee take where a Member has failed to comply with the adopted Code of Conduct?

8.01 The Council has delegated to the Hearing sub-committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain the high standards of conduct expected of Members. Accordingly the Hearing sub-committee may –

(a) Censure or reprimand the Member;

(b) Publish its findings in respect of the Member's conduct;

- (c) Report its findings to Council or to the Town Council for information;
- (d) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that they are removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Recommend to Council that the Member be replaced as Executive Leader;
- (g) Instruct the Monitoring Officer to or recommend that the Town Council arrange training for the Member;
- (h) Remove, or recommend to the Town Council that the Member be removed, from all outside appointments to which he/she has been appointed or nominated by the Council or by the Town Council;
- (a) Withdraw, or recommend to the Town Council that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- (j) Exclude, or recommend that the Town Council exclude, the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.02 The Hearings sub-committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9 What happens at the end of the Hearing?

9.01 At the end of the hearing, the Chair will state the decision of the Hearing sub-committee as to whether the Member failed to comply with the Council's adopted Code of Conduct and as to any actions which the Hearings Panel resolves to take.

9.02 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the complainant, to the Member and, if appropriate, to the Town Council. The formal decision notice will be made available for public inspection and the Monitoring Officer will report the decision to the next convenient meeting of the Council.

10 Who are the Hearing sub-committee?

10.01 The Hearing sub-committee is a sub-committee of the Council's Audit and Governance Committee whose membership will be determined on a case-by-case basis. The Audit and Governance Committee has decided that a Hearing sub-committee will comprise at three members of the Audit and Governance Committee.

10.02 The Independent Person will be invited to attend all meetings of the Hearing sub-committees and their views will be sought and taken into consideration before the Hearing sub-committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Council's adopted Code of Conduct and as to any action to be taken following a finding of failure to comply with the adopted Code of Conduct.

11 Who is the Independent Person?

11.01 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post and is appointed by a positive vote from a majority of all the Members of Council.

12 Revision of these arrangements

12.01 The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearing sub-committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

13.01 There is no right of appeal for the complainant or for the Member against a decision of the Monitoring Officer or of the Hearing sub-committee.

13.02 If you, as a complainant, feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman.

ARRANGEMENTS FOR DEALING WITH STANDARDS

ALLEGATIONS UNDER THE LOCALISM ACT 2011

1 — Context

1.01— These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this Council or of Quedgeley Town Council has failed to comply with the relevant Council’s adopted Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council’s adopted Code of Conduct.

1.02— Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the Council or of Quedgeley Town Council, or of a Committee or Sub-Committee of the Council, has failed to comply with the relevant authority’s adopted Code of Conduct can be investigated and decisions made on such allegations.

1.03— Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before ~~it takes~~making a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or a Member or co-opted Member of Quedgeley Town Council against whom an allegation ~~as~~has been made.

2 — The Code of Conduct

2.01— The Council has adopted a Code of Conduct for Members, which is set out in Part 5 of this Constitution and is available for inspection on the Council’s website and on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.

2.02— Quedgeley Town Council is also required to adopt a Code of Conduct. If you wish to inspect Quedgeley Town Council’s Code of Conduct, you should ~~inspect~~refer to the Town Council’s website or request the town clerk to allow you to inspect the Town Council’s Code of Conduct.

3 — Making a complaint

3.01— If you wish to make a ~~complaint~~, please ~~write~~complete the Complaint form that is available on the Council’s website or can be requested from Democratic Services (democratic.services@gloucester.gov.uk or 01452 396203).

3.02 The Complaint form should then be sent either in hard copy or by email to –

The Monitoring Officer

Gloucester City Council

PO Box 2017

Pershore

WR10 9BJ

Or –

democratic.services@gloucester.gov.uk

~~A copy of the Complaint form is available on the Council's website and on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.~~

~~3.02—03~~ The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Members' interests and ~~who~~ is responsible for administering the system in respect of complaints in respect of Member misconduct.

~~In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model ~~3.04~~ The complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, and is available on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.~~

~~3.03—~~ Please ~~will require you to~~ provide ~~us~~ the Council with your name and a contact postal address or email address, so that ~~we can~~ the Council is able to acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case ~~we~~ the Council will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. ~~The~~ PLEASE NOTE that the Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

~~3.04—05~~ The Monitoring Officer will acknowledge receipt of ~~your~~ the complaint to you within 5 working days of receiving it, and will keep you informed of the progress of your complaint as appropriate.

~~4—~~ Will your ~~the~~ complaint be investigated?

~~4.01—~~ The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within ~~14~~ ten (10) working days of ~~receipt~~ the date of ~~your~~ acknowledgement of the complaint. ~~Where~~ When the Monitoring Officer has taken a decision, ~~he/she~~ they will inform you of ~~his/her~~ their decision and the reasons for that decision.

~~4.02—~~ Where ~~he/she~~ the Monitoring Officer requires additional information in order to come to a decision, ~~he/she~~ they may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Quedgeley Parish ~~Town~~ Councillor, the Monitoring Officer may also inform the Parish ~~Clerk to the~~

Town Council of your complaint and seek the views of the Clerk to the Parish Council before deciding whether the complaint merits formal investigation.

4.03—~~In Where~~ appropriate ~~cases~~, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that ~~his/her~~their conduct was ~~unacceptable~~not in accordance with the Council's adopted code of conduct and offering an apology, or other remedial action taken by the ~~authority~~Council. Where the Member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.04—If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. ~~In some cases~~, at ~~his or her~~their discretion, the Monitoring Officer may refer the complaint to the Audit and Governance Committee to decide whether or not it should be investigated or other action taken.

5 5 How is the investigation conducted?

5.01—The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix One to these arrangements.

5.02—If the Monitoring Officer decides that a complaint merits formal investigation, ~~he/she~~they will appoint an Investigating Officer, who may be another senior officer of the ~~authority~~Council, an officer of another ~~authority~~council or an external investigator: who in the opinion of the Monitoring Officer is of suitable experience and standing. The Investigating Officer will decide whether ~~he/she~~they ~~need~~need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer ~~needs~~may wish to interview.

5.03—The Investigating Officer would normally write to the Member against whom you have ~~complained~~made a complaint and provide ~~him/her~~them with a copy of ~~your~~the complaint. The Investigating Officer ~~would~~will also ask the Member to provide ~~his/her~~their explanation of events, and identify what documents ~~he/she~~the Investigating Officer needs to see and who ~~he/she~~the Investigating Officer needs to interview.

5.03 In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can ~~delete~~remove your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed to a stage where notifying the Member of your name and address is appropriate.

5.04—At the end of ~~his/her~~their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any factual matter in that draft report with which you disagree or which ~~you consider~~either you or the Member considers requires more consideration.

5.05—_Having received and taken account of any comments which ~~you may make~~are made on the draft report, the Investigating Officer will send ~~his/her~~their final report to the Monitoring Officer.

6 ———What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the adopted Code of Conduct?

6.01—_The Monitoring Officer will review the Investigating Officer’s report and, if ~~he/she is~~they are satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the Member concerned and, ~~if relevant,~~ to the Clerk of Quedgeley ParishTown Council, where ~~your~~the complaint relates to a Quedgeley ParishTown Councillor, notifying you that ~~he/she is~~they are satisfied that no further action is required, and ~~give you both~~providing a copy of the Investigating Officer’s final report. ~~to both you and the Member.~~ If the Monitoring Officer is not satisfied that the investigation has been conducted properly, ~~he/she~~they may ask the Investigating Officer to reconsider ~~his/her~~their report.

7 ———What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.01—_The Monitoring Officer will review the Investigating Officer’s report and will then either send the matter for ~~local hearing~~Hearing before the Hearings Panel or, after consulting the Independent Person, seek ~~local resolution~~Local Resolution.

(a) ——— Local Resolution

(a)(i) —_The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, ~~he/she~~they will consult with the Independent Person and with you (as complainant) and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that ~~his/her~~their conduct ~~was unacceptable~~breached the Council’s adopted code of conduct and offering an apology, and/or other remedial action by the authority. ~~If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Governance Committee and the Parish Council for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer may (but does not have to) refer the matter for a local hearing.~~

(a)(ii) The Monitoring Officer’s decision shall be set out in a formal decision notice. A copy of the formal decision shall be sent to the complainant, to the Member and, if appropriate, to the Town Council. The formal decision notice will be made available for public inspection on the Council’s website.

(a) (iii) If the Member complies with the suggested resolution as set out in the formal decision notice no further action will be taken.

(b) — ~~Local~~ Hearing

(b)(i) — ~~I~~ If the Monitoring Officer considers that ~~local resolution~~ Local Resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a ~~local hearing~~ Hearing before deciding whether the Member has failed to comply with the adopted Code of Conduct and, if so, whether to take any action in respect of the Member.

(b)(ii) — ~~The Council has agreed a procedure for local hearings~~ Hearings, which is attached as Appendix Two to these arrangements.

(b)(iii) — ~~Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her/their response to the Investigating Officer's report, in order to identify what in the Investigating Officer's report is likely to be agreed and what is likely to be in contention at the hearing~~ Hearing, and the Chair of the Hearings Panel, who will be a member of the Audit and Governance Committee may ~~issue directions as to determine the process to be followed by the manner in which~~ sub-committee at the hearing Hearing and how it will be conducted. At the hearing Hearing, the Investigating Officer will present his/her/their report, call such witnesses as ~~he/she considers~~ they consider necessary and make representations to substantiate his/her/their conclusion that the Member has failed to comply with the adopted Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the ~~Hearings Panel~~ Hearing. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the ~~Hearings Panel~~ Hearing as to why ~~he/she considers~~ they consider that ~~he/she/they~~ did not fail to comply with the adopted Code of Conduct.

(b)(iv) — ~~The Hearings Panel~~ Hearing sub-committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the ~~Hearings Panel~~ Hearing sub-committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the ~~Hearings Panel~~ Hearing sub-committee will then consider what action, if any, the ~~Hearings Panel~~ Hearing sub-committee should take as a result of the Member's failure to comply with the adopted Code of Conduct. In doing this, the ~~Hearings Panel~~ Hearing sub-committee will give the Member an opportunity to make representations to the ~~Panel~~ Hearing sub-committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 — ~~What action can the Hearings Panel~~ Hearing sub-committee take where a Member has failed to comply with the adopted Code of Conduct?

8.01 — ~~The Council has delegated to the Hearings Panel~~ Hearing sub-committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain the

high standards of conduct: expected of Members. Accordingly the ~~Hearings Panel~~Hearing sub-committee may –

- (a) (a) Censure or reprimand the Member;
- (b) (b) Publish its findings in respect of the Member's conduct;
- (c) (c) Report its findings to Council or to the ParishTown Council for information;
- (d) (d) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that ~~he/she~~they are removed from any or all Committees or Sub-Committees of the Council;
- (e) (e) Recommend to the Leader of the ~~City~~ Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) (f) Recommend to ~~City~~ Council that the Member be replaced as Executive Leader;
- (g) (g) Instruct the Monitoring Officer to or recommend that the ParishTown Council arrange training for the Member;
- (h) (h) Remove, or recommend to the ParishTown Council that the Member be removed, from all outside appointments to which he/she has been appointed or nominated by the ~~City~~ Council or by the ParishTown Council;
- (i) (a) Withdraw, or recommend to the ParishTown Council that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- (j) (i) Exclude, or recommend that the ParishTown Council exclude, the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.02—_The Hearings ~~Panel~~sub-committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9 ———What happens at the end of the ~~hearing~~Hearing?

9.01—_At the end of the hearing, the Chair will state the decision of the ~~Hearings Panel~~Hearing sub-committee as to whether the Member failed to comply with the Council's adopted Code of Conduct and as to any actions which the Hearings Panel resolves to take.

9.02—_As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to ~~you~~the complainant, to the Member and, if appropriate, to the ParishTown Council, ~~make that~~. The formal decision notice will be made available for public inspection and the Monitoring Officer will report the decision to the next convenient meeting of the Council.

10 ———Who are the ~~Hearings Panel~~Hearing sub-committee?

10.01—_The ~~Hearings Panel~~Hearing sub-committee is a ~~Sub-Committee~~sub-committee of the Council's Audit and Governance Committee- whose membership will be determined on a case-by-case basis. The Audit and Governance Committee has decided that its Hearing sub-committee will comprise ~~a maximum of~~at three members of the Audit and Governance Committee.

10.02—_The Independent Person ~~is~~will be invited to attend all meetings of the ~~Hearings Panel~~Hearing sub-committees and ~~his/her~~their views ~~are~~will be sought and taken into consideration before the ~~Hearings Panel~~Hearing sub-committee takes any decision on whether the Member's conduct constitutes a failure to ~~comply with~~comply with the Council's adopted Code of ~~conduct~~Conduct and as to any action to be taken following a finding of failure to comply with the adopted Code of Conduct.

11 — Who is the Independent Person?

11.01—_The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, ~~and is~~ appointed by a positive vote from a majority of all the Members of Council.

12 — Revision of these arrangements

12.01—_The Council may by resolution agree to amend these arrangements, ~~and has~~ delegated to the Chair of the ~~Hearings Panel~~Hearing sub-committee the right to depart from these arrangements where ~~he/she considers~~they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 — Appeals

13.01—_There is no right of appeal for ~~you as~~the complainant or for the Member against a decision of the Monitoring Officer or of the ~~Hearings Panel~~Hearing sub-committee.

13.02—_If you, as a complainant, feel that the ~~authority~~Council has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman.

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MEMBER/OFFICER PROTOCOL

This Protocol provides a guide to good working relationships between Officers and Members.

- (a) This Protocol sets down a framework for the interaction between Members and Officers. Its objective is to ensure that Members and Officers work together effectively and efficiently to conduct the business of the Council.
- (b) The conduct of Members is governed by the Council's adopted Code of Conduct and Arrangements for dealing with Standards Complaints under the Localism Act 2011. The conduct of Officers is governed by the Council's Officer Code of Conduct.
- (c) This Protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol could constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.

1. The Respective Roles of Members and Officers

- (1) Members are elected and represent their constituents. Under the Council's Executive Arrangements, Members will perform roles on the Cabinet and Committees in addition to sitting as members of Full Council. Some Members represent the Council upon outside bodies.
- (2) Members are responsible for:
 - (a) political leadership;
 - (b) initiating and determining the policy of the Council, determining the core values of the Council and approving the Council's policy framework, strategic plans and budget;
 - (c) advocating for their constituents;
 - (d) accounting for the delivery of Council services;
 - (e) scrutinising Council services;
 - (f) promoting partnership working;
 - (g) representing the Council on local, regional and national bodies
 - (h) respecting the impartiality of the Council's Officers.
- (3) Reciprocal expectations
 - (a) Councillors should expect the following from Officers:
 - (i) a commitment to the Council as a whole and not to any political group
 - (ii) honesty, openness, trust and respect
 - (iii) performance of their duties effectively and efficiently
 - (iv) a working partnership which understands the respective roles
 - (v) timely responses to enquiries and complaints
 - (vi) regular and up to date information on matters which are appropriate and relevant to their needs as a Councillor
 - (vii) awareness of and sensitivity to the political environment and its pressures
 - (viii) training and development in order to carry out their role effectively
 - (ix) relationships with Councillors that will not be used by Officers to advance their personal interests or influence decisions improperly
 - (x) compliance with the Officer Code of Conduct and this Protocol
 - (xi) support for the role of Councillors as the local representatives of the authority, within any scheme for Councillor support approved by the Council
 - (b) 3.2 Officers should expect the following from Councillors:

- (i) a working partnership which understands the respective roles
 - (ii) honesty, openness, trust and respect
 - (iii) courtesy and appropriate confidentiality
 - (iv) no bullying
 - (v) relationships with Officer that will not be used by Councillors to advance their personal or political interests or to influence decisions improperly
 - (vi) compliance with the Councillor Code of Conduct and this Protocol
 - (vii) to inform the Monitoring Officer of any relationships which might be seen as unduly influencing their work and role.
- (4) Officers are employed by and serve the whole Council. They provide the same level of support to the various functions of the Council, i.e. the Cabinet, Overview and Scrutiny and Regulatory and other Committees. Officers advise the Council, the Cabinet and Committees to make decisions under the powers delegated to them.

Officers are responsible for:

- a) providing professional advice and information to Members in developing and implementing policy and in decision-making;
- b) implementing the decisions of Members;
- c) managing the day-to-day administration of the Council;
- d) taking managerial and operational decisions within the Council's Scheme of Delegation;
- e) providing information to and consulting with local people about Council services
- f) remaining impartial at all times.
- (viii) This Protocol also applies to Officers appointed as directors of the Council's commercial companies as a consequence of the employment by the Council and remain subject to this Protocol even whilst acting in their directorship capacity.
- (ix) Officers are responsible to their line manager and, ultimately, their Heads of Service. The Heads of Service are accountable to the Managing Director. The Managing Director is accountable to the whole Council. Some senior Officers have specific statutory responsibilities including the Managing Director as Head of Paid Service (Section 4, Local Government and Housing Act 1989), the Monitoring Officer (Section 5, Local Government and Housing Act 1989) and Head of Finance and Resources as Chief Finance Officer (Section 151 Local Government Act 1972).

2. Officers' Advice and Political Neutrality

- (1) Officer advice and support will be provided to:-
- a. Council Meetings;
 - b. Meetings of the Cabinet and any Committee established by the Cabinet;
 - c. Portfolio Holders and other Cabinet Members (a greater degree of detail may be necessary for Cabinet Members who also carry portfolio responsibilities);
 - d. Meetings of Committees/Sub-Committees and Panels;
 - e. Working Parties/Forums, etc;
 - f. Chairs and Vice-Chairs of Committees and Panels
 - g. All Members of Council on Council Business

Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.

- (2) Officers must not be requested to advise upon matters of political party business or private matters.
- (3) All Officers must treat political Groups and individual Members in a fair and even-handed manner. Officers must maintain political neutrality and Members must respect this.
- (4) Senior officers may be invited to attend political Group meetings. The Managing Director will decide whether such attendance may take place. If it is agreed that an Officer can attend a Political Group meeting, the Managing Director will inform the other Group Leaders and offer a similar facility.
- (5) Political Group meetings fall outside the Council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and so should not be relied upon as such.

3. Officers' advice on Declarations of Interest

- (1) The Monitoring Officer will provide advice and information to Members on declarations of interests. However, Members will know the nature and extent of any interest they may have. It is the Member's responsibility, therefore, to decide whether any interest should be declared. Officers must, when requested to do so, respect Members' confidentiality when providing advice on declarations of interest but may otherwise draw to a Members' attention the need to declare a known interest.

4. Personal relationships

- (1) Close personal familiarity between individual Members and Officers can damage working relationships and prove embarrassing to other Members and Officers. There is a danger of favouritism being shown to a particular Member or Officer. There may be a risk that confidential information will be passed to a Member.
- (2) For these reasons, such a personal familiarity is discouraged. Nevertheless, it is recognised that there may be occasions where it is unavoidable, particularly where family relationships or common interests (e.g. a club) arise.
- (3) A Member must declare to the Managing Director and their respective Group Leader any relationship with an Officer that might be seen as influencing their work as a Member. This includes a family or close personal relationship. Similarly, the Officer must notify their line manager. In the case of the Managing Director, then all Group Leaders should be notified. Any such relationship will be included in the formal declaration of interests provided by the Member and Officer.

5. Appointment of Officers

- (1) Members must not take part in the appointment of anyone to whom they are:
 - married;
 - a partner;
 - otherwise related;
 - a friend;
 - a business associate.
- (2) Members must ensure that Officers are appointed only on merit in line with the Council's HR recruitment policies, with a view to their best serving the whole Council.

6. Undue Pressure

- (1) A Member should not apply undue pressure to an Officer to do anything which they are not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- (2) Similarly, an Officer must not seek to influence an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers/employees, except in accordance with any agreed Council procedure or in accordance with law. Members who receive any such approach from an Officer should advise the Managing Director or Monitoring Officer immediately. The Council has formal procedures for consultation, grievance and discipline etc. dealing with these matters.

7. Officers' Reports and Advice

- (1) The named author(s) of a report to the Council or any part of its formal decision-making structure will always be fully responsible for the content of the report. Under the Overview and Scrutiny arrangements, an Officer can be held responsible for the contents of their reports or advice and required to answer for the advice given.
- (2) The Leader, Cabinet Member and/or Chair of the relevant Committee or body may comment upon a proposed report during the original consultation process or following receipt of a draft agenda. The Officer concerned will give due consideration to such comments, consulting their line manager and if necessary their Head of Service and other appropriate Officers as necessary. The Managing Director will be the final arbiter upon the contents of any report.
- (3) A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any remaining disagreement between the Cabinet Member/Chair and the author of the report should be referred to the Managing Director, or, if the author of the report is the Managing Director, to the Monitoring Officer for resolution after consultation with the Leader.
- (4) Occasionally, Officers will need to express a professional view on a matter which may not support the view of the leading Group and/or the relevant Senior Officers of the Council.
- (5) Members should not put an Officer in a position where there would be a conflict between themselves and their line manager or Senior Managers nor should the Officer receive detrimental treatment as a consequence if the Member be aggrieved.

8. Member Decisions

- (1) Members must avoid taking decision or undertaking actions that are unlawful, financially improper or likely to amount to maladministration.
- (2) Before a Member or Members collectively take a decision, they must take advice from Officers to fully understand any implications of any decision and have regard to that advice before taking such a decision.
Nothing in this Protocol requires a Member/Members to follow Officer advice but where a Member or Members collectively take a decision contrary to Officer advice it will be the Member/Members who is accountable for it.

9. Officer Decisions made under Delegated Powers

- (1) Officers may make decisions under powers delegated to them pursuant to the Schemes of Delegation or by specific authority from the Cabinet, a Cabinet Member or Committee. It must be recognised that it is the Officer, and not any Member, who takes the action and it is the Officer who is accountable for it.

10. Officers' relationship with the Leader, Cabinet Members and the Chairs of Committees.

- (1) The working relationship between Senior Officers and the Leader/Cabinet Members will be particularly close. Cabinet Members will have broad ranging responsibilities. Officers may provide briefing notes, advice and information to the Cabinet Members in respect of reports or questions at Committee and Council Meetings. This relationship, however, must not:
 - Compromise Officers' duties to all Members of the Council;
 - Be so close as to give the appearance of partiality on the part of the Officer;
 - Undermine the confidentiality of any discussions with the Senior Management Team or between Senior Officers and other Members;
 - Compromise Officers' professional responsibility to advise Members that a particular course of action should not be pursued;
 - Abrogate Officer responsibility for action taken under Delegated Powers.
- (2) There will also be a close working relationship between Senior Officers and the Chair of Overview and Scrutiny Committee within the remit of scrutiny of executive functions.

11. Maintaining High Standards

- (1) It is important that there should be mutual courtesy between Members and Officers. It is important that there are reasonable standards of courtesy and no Member or Officer should seek to take unfair advantage of their position.
- (2) Members and Officers should not criticise or undermine respect for the other at Council Meetings or at any other meeting they attend in their capacity as a Councillor or Council employee.
- (3) Members should not raise matters relating to the conduct or capability of an individual Officer or Officers collectively at meetings held in public.
- (4) Members when acting in their official capacity must comply with the Council's Social Media Policy and should not use social media to abuse, harass or undermine respect for Officers.
- (5) Officers should not use social media to criticise or undermine respect for Member(s) and must comply with the Council's Social Media Policy at all times.
- (6) If a Member believes that they have not been treated with proper courtesy or has a concern about the conduct or capability of an Officer they should raise the matter with the relevant Officer's line manager. If they are not satisfied with the action has taken in response to this, they may raise the matter with the Managing Director who will look at the matter afresh. If the Managing Director believes that there is a case to answer the Managing Director may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Managing Director, then the Member should raise the matter with their Group Leader or if ungrouped with a Group Leader of their choosing who should initially discuss the issue with the Managing Director.
- (7) If the Officer feels that they have not been treated with respect or is concerned about any action or statement in relation to them or a colleague by a Member, or conduct of a Member, the Officer should raise the matter with their Line Manager. If the Officer is not satisfied with any action that has been taken as a result, the Officer should raise the matter with a member of the Senior Management Team. If there is a serious case to answer the relevant member of the Senior Management Team, with the agreement of the Managing Director, may request that the matter be investigated through the Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011.
- (8) Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistleblowing Policy may be relevant. Nevertheless, the procedure outlined in this Protocol should be first referenced where appropriate and possible.

12. Members' access to information and to Council documents

- (1) Each Member has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Cabinet or Committee agenda. However, Members do not have an automatic right of access to all documents relating to confidential or "exempt" items on the agenda. These might include, for instance, information relating to employees, occupiers or Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations. These provisions are detailed in the Access to Information Rules.
- (2) In respect of such confidential information, Members will normally receive, or have access to all papers unless they are of particular sensitivity. A Member may have access to such sensitive documentation insofar as it is reasonably necessary to enable them to properly perform their duties as a Member of the Council. The relevant question to be asked is whether they need to know the information to perform such duties.
- (3) A member of the Cabinet or a Committee will have a need to know of the documentation relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information to be relevant. The question as to access to the documentation will be determined by the Monitoring Officer.
- (4) Members of the Overview and Scrutiny Committee have the additional right to access set out in the Access to Information Procedure Rules.
- (5) Where a Member has a Disclosable Pecuniary Interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for the general public generally, although the Member would continue to receive the same documentation as is sent to other members of the Council.
- (6) Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. Confidential Information should not be disclosed, discussed with or released to any other persons. Such disclosures would be a betrayal of trust. In particular, Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- (7) Any confidential information provided to Members should be clearly marked as such prior to its provision.
- (8) Further advice regarding to Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

13. Public Relations and Press Releases

- (1) By law the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. Press releases are written by Officers, but they may contain quotations from a Member. Such press releases are issued on behalf of the Council and it would not, therefore be appropriate when repeating quotations from Members to indicate their political affiliation. The aim will be for press releases to be objective, factual and informative.
- (2) The Council will abide by the National Code of Recommended Practice on Local Authority Publicity.

14. Council Publications

- (1) The Council's range of newsletters, in both electronic and hard copy format, shall remain politically neutral. They may contain quotes from Cabinet Members in line with Council policy. Reports of decisions made shall be those of the Council represented as a body corporate.
- (2) Publications issued by Council service groups may contain quotations from Cabinet Members in line with Council policy on the matter. Where policy has yet to be determined, a Cabinet Member should not indicate their preference. If the Council has no policy on a particular matter and a Cabinet Member wishes to comment, the same opportunity must be made available to designated spokesperson in Opposition Groups.

15. Member Support Services

- (1) The Council provides a range of support services, including a laptop and email addresses to enable Members to carry out their duties. These may only be used on Council business, such as correspondence between Members or Members and Officers; or in response to queries raised by local people. They must not be used for any party political, or election purposes whatsoever. Members must not ask Officers to type, photocopy or otherwise process any party political or election material.

16. Correspondence

- (1) Unless a Member or Officer requests confidentiality, it is to be assumed that correspondence between a Member and an Officer is not confidential and may be shown to others. If, in an Officer's view, correspondence between an individual Member and an Officer is of interest to other Members, to keep them fully informed, it should be made clear to the original Member that copies could be sent to other Members.
- (2) Where issues are raised by, or with, individual Members relating to a matter of general interest in a ward, as it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their ward copies of all correspondence will be sent to all other ward members unless there are fair and reasonable grounds for not doing so.
- (3) However generally both Members and Officers should consider and limit the number of people (both internal and external) copied into correspondence (including emails). Inappropriately broad circulation of correspondence can lead to a wasteful duplication of effort and increases the risk of a breach of data security or confidentiality.
- (4) Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of the Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm.

17. Involvement of Ward Members and MPs

- (1) Information regarding activities in particular Ward should, where appropriate, be copied to the Ward Members and the Gloucestershire County Council divisional Member for information. Ward Members should be invited to take part in or attend any public meeting, consultative exercise or launch event organised by the Council concerning a local ward issue.
- (2) If an Officer calls a meeting upon a local issue with or including Ward Members, the Officer will invite all members for the Ward(s) in question.
- (3) If any of the Members of Parliament (MP) that represent the City are involved in a local issue, the Officer at their discretion may invite the relevant MPs to the meeting in addition to the Ward Members. If the Officer considers this to be inappropriate for any reason, they may meet the MP separately.

- (4) If a Ward Member calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the Officer(s) will be required to attend only if all the Members for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- (5) If a MP calls or requests a meeting upon a local issue at which an Officer or Officers is are requested to be in attendance, the same criteria govern the Officer's attendance as in paragraph (4).
- (6) Meetings with Ward Members and/or MPs and/or others are generally private. Officers may confirm the events which occurred at the meeting and the outcome of it with the Members who attended but will not reveal those matters to other Members or to other political groups except with the specific authority of the Member(s) who attended or called the meeting.

18. Procedure for dealing with allegations of breaches of this Protocol.

- (1) Any allegations that a Member has not complied with this Protocol may be referred to the Audit and Governance Committee who will determine the issue. The Council's Independent Person appointed under the Localism Act 2011 will be invited to attend and advise the Audit and Governance Committee (but not vote).
- (2) Any allegation that an Officer has not complied with this Protocol will be dealt with in accordance with the Council's disciplinary procedures in accordance with the relevant policies.
- (3) Breaches of this Protocol can raised in accordance with the Council's Whistleblowing Policy.