

Chapter I: Member Code of Conduct

Forest of Dean District Council

Councillors' Code of Conduct

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INTRODUCTION

Purpose of the Code

The Localism Act 2011 requires this Council to promote and maintain high standards of conduct by its Members and Co-opted Members. In discharging this duty, the Council is required to adopt a Code of Conduct which sets out the conduct expected of councillors.

The Council's Code of Conduct is divided into 3 sections:

1. The Rules of Conduct
2. The Complaints process
3. The Investigation and Determination of complaints

The Purpose of this Code of Conduct is to assist Members in the discharge of their obligations to the Council, their local communities and the public at large by:

- a) Establishing the standards and principles of conduct expected of all Members in undertaking their duties; and
- b) Ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding the Code through an open and transparent process

Who and what does the Code apply to:

The Code applies to Members in all aspects of their activities as a Member, including when acting on Council business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.

Town and Parish Councils

This Code does not apply to town and parish councils who are required to have their own Code of Conduct.

Part I: Rules of Conduct

It is a Member's responsibility to comply with the provisions of the Code of Conduct and to follow any advice given to them on the interpretation or application of this Code.

Section I: Overarching Principles

As a Member of the Council:

- I.1 It is your responsibility to comply with the provisions of this Code
- I.2 You must comply with the Code wherever you –
 - a) Conduct business of the Council; or
 - b) Are acting as a representative of the Council

General Principles of Conduct

- I.3 When acting in your role as a Member of the Council, you must ensure that you conduct yourself in such a manner that complies with the Seven Principles of Public Life (referred to in the Code as the "7 Principles"). These general principles of conduct were identified by the Committee on Standards in Public Life in its First Report. These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the Rules of Conduct. For the avoidance of doubt a breach of any of the 7 Principles will be seen as a breach of this Code.

The Seven Principles

- I.4 The Seven Principles of Public Life are:

Principle 1. Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Principle 2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Principle 3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Principle 4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Principle 5. Openness

Holders of public office should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Principle 6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Principle 7. Leadership

Holders of public office should promote and support these principles by leadership and example.

Section 2: Relationship with Others
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- 2.1 Members must treat others with respect
- 2.2 Members have a duty to uphold the law, including the general law against discrimination
- 2.3 Members have a duty to act with honesty and integrity and must never attempt to mislead officers, other members or the public.
- 2.4 Members must never present or submit any information to the Council or any of its committees which they know to be false or inaccurate
- 2.5 Members shall never undertake any action which would cause significant damage to the reputation and integrity of the Council as a whole, or of its Members generally
- 2.6 Members must not undertake any act or omission that would undermine the Council's duty to promote and maintain high standards of conduct for members
- 2.7 When reaching decisions on any matter, Members must have regard to any relevant advice provided to them by the Council's Section 151 Officer and/or the Monitoring Officer.
- 2.8 It is contrary to law for a Member to accept a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in kind, in connection with the promotion of, or opposition to, any Motion, or other matter submitted, or intended to be submitted, to the Council.
- 2.9 Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources. 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.

- 2.10 Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is applied for the support or in assistance of the carrying of their duties as Members.
- 2.11 Members must not use their position as a Councillor to exert influence on relations with Council Officers or attempt to undermine the independence or impartiality of Council Officers when such Officers are acting in the course of their duties.

Use of Resources

- 2.12 When using Council resources, Members must ensure that they:
- a) comply with the protocol on the use of resources as set out in the constitution;
 - b) do not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
 - c) when using or authorising the use by others of the resources of the Council-
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - d) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Additional Codes and Protocols

- 2.13 The obligations set out in this Code are also complementary to and include those obligations which apply to Members falling within the scope of related Codes and Protocols of the Council, specifically.
- the Member/Officer Protocol
 - protocol for members determining planning applications (Part 2, Chapter 7.8)
 - the protocol for members determining Licensing applications (Part 2, Chapter 6.3)
 - the Information Security Policy
 - the Acceptable ICT Usage Policy
- 2.14 For the avoidance of doubt a breach of any of these Codes/Policies/Protocols will be deemed to be a breach of the Code of Conduct

Section 3: Interests

- 3.1 As a public figure, a Member's public role may, at times, overlap with their personal and/or professional life and interests, however when performing a public role as a Member, you must,
- (a) act solely in terms of the public interest and
 - (b) not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2 All members are required to complete and keep up to date a register of interests. To assist members, annual reminders are issued however it is the responsibility of individual members to ensure their register is kept up to date.
- 3.3 It is a legal requirement that the registers of interests are published on the Council's website. If you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation you should speak to the Monitoring Officer
- 3.4 All members are required to declare interests at meetings of the district council at which they are present and for which an agenda has been produced.

3.5 Disclosable Pecuniary Interests

A pecuniary interest is defined as:

“an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person”

You will have a pecuniary interest in a matter if:

- (1) the Member, or
 - (2) the Member's spouse or civil partner, or
 - (3) a person with whom the Member is living as husband and wife, or
 - (4) a person with whom the Member is living as if they were civil partners
- and the Member is aware that that other person
- has any interest which fall within the table below:

Subject	Prescribed description
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 authority¹) made or provided within the relevant period² in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. 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 the relevant person (or a body³ 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; <u>and</u> (b) which has not been fully discharged.
Land⁴	Any beneficial interest in land which is within the area of the relevant authority NB This includes the property in which a member resides
Licences	Any licence to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where to the member's knowledge (a) the landlord is the relevant authority; and (b) the tenant is a body⁵ in which the relevant person has a beneficial interest
Securities⁶	(a) Any beneficial interest in securities of a body where (b) that body (to the member's knowledge) that has a place of business or land in the area of the relevant authority; and (c) either:

¹ "relevant authority" means the authority of which the Member is a member

² "relevant period" means a period of 12 months ending on the day on which the Member gives a notification to the Monitoring Officer of any Disclosable Pecuniary Interest.

³ "body in which the member has a beneficial interest" means (a) a firm in which the Member is a partner, or (b) a body corporate of which the Member is a director, or (c) in the securities of which the Member has a beneficial interest

⁴ "Land" excludes as easement, servitude, interest or right in or over land which does not carry with it a right for the Member to occupy the land or to receive income

⁵ See footnote 3

⁶ "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

	(i) the total nominal value of the securities exceeds £25,000 or 1/100th 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 which exceeds 1/100th of the total issued share capital of that class
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A pecuniary interest must be added to the member's register of interests within 28 days of the member becoming aware of it and must be declared at any meeting of the Council at which they are present and for which an agenda has been produced.

Upon declaring a pecuniary interest the member must not take part in the debate or vote and should leave the meeting for that item of business. For the avoidance of doubt, even if a member is not a member of the committee or sub-committee etc which is considering the matter, the member is not entitled to sit within the public gallery where items are being discussed in which they have a pecuniary interest

Failure to declare a pecuniary interest is a criminal offence which is punishable by a fine of up to £5,000.

3.6 Other Interests

An other interest is any interest which relates to or is likely to affect:

- 1) any body of which the Member is in a position of general control or management, and to which he / she is appointed or nominated by the Council.⁷
- 2) any body:
 - a) exercising functions of a public nature;
 - b) directed to charitable purposes;
 - c) one whose principal purposes include 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;
- 3) any gifts or hospitality worth more than an estimated value of £50 which the Member has received by virtue of his/her office.

Other interests, which includes the disclosure of membership of any secret society should be contained within the member's register of interests and must be declared at any meeting of the Council at which they are present and for which an agenda has been produced.

⁷ Example: where a Member has been appointed to a village hall committee by the Council

However, the member is entitled to remain within the meeting and to take part in the debate and vote.

3.7 Prejudicial Interests

A prejudicial interest is one where the well-being or financial position of the Member, members of their family, or people with whom the Member has a close association is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

A member of your family should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners or any of these people.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.

Prejudicial Interests must be declared at any meeting of the Council at which a member is present and for which an agenda has been produced. Upon declaring a prejudicial interest the member must not take part in the debate or vote and should leave the meeting for that item of business. For the avoidance of doubt, even if a member is not a member of the committee or sub-committee etc which is considering the matter, the member is not entitled to sit within the public gallery where items are being discussed in which they have a prejudicial interest.

Do Seek advice if you are unsure whether to make a declaration
Do be aware of the definitions of interests
Do make all decisions on merit
Do keep your register of interest up to date
Do not place yourself in situations where your honesty and integrity maybe questioned
Do not use your position improperly for personal gain or to advantage family, friends or close associates

Section 4: Management of Information

- 4.1 Information which Members receive in confidence in the course of their duties as Members should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.
- 4.2 Members must not disclose information given to them in confidence by anyone, or information acquired by them which is believed, or ought reasonably to be believed to be confidential in nature. Members can only do so if:
- (a) they have the express consent of the person authorised to give it;

- (b) they are required by law to do so (Members must ensure they seek the advice of the Council's Monitoring Officer in this regard before any disclosure);
 - (c) 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
 - (d) they have sought the consent of the Monitoring Officer prior to its release
- 4.3 Members must not prevent another person from gaining access to information to which that person is entitled by law.
- 4.4 Members must ensure that they do not improperly use knowledge gained solely as a result of their role as a Member for the advancement of themselves, their friends, their family members, their employer or their business interests.
- 4.5 Members must ensure that they do not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations.

Part 2: Complaints Process

Initial Assessment

- 5.1 Where a complaint regarding the conduct of a District Council Member, Town or Parish Member of one of the Councils in the Forest of Dean district is received it shall be referred to the District Council's Monitoring Officer (MO).
- 5.2 The person referring the complaint will complete a Code of Conduct complaint form (although complaints made in other forms such as by letter or email will be accepted) and will provide the MO with any documents or other material accompanying or evidencing the complaint and any associated documents and material which will assist in ascertaining if there has been a breach of the Members' Code of Conduct for the relevant Council (the Code).
- 5.3 The MO will ascertain if the alleged breach appears to be an offence under the Localism Act 2011 relating to Disclosable Pecuniary Interests. If it appears it is, the MO will refer it to the Police for investigation. The MO will inform the complainant that this has been done. The conduct of the matter will then be the responsibility of the Police, unless 5.4 applies.
- 5.4 If the Police decide not to investigate, or a decision is taken not to prosecute, then the process for dealing with other breaches of the Code, as set out below, will apply.
- 5.5 If it appears that the alleged breach is not an offence in accordance with 5.3 above the MO will:
 - Send a copy of the complaint and supporting documents/evidence to the Member alleged to have breached the Code and invite their response, either in writing or by meeting the subject member
 - Inform the complainant that an initial assessment is being made
- 5.6 The MO will make an initial assessment of the evidence to establish whether there is a prima facie case and whether the complaint falls within the scope of the remit of the Code of Conduct. If there is no prima facie case the MO will issue a 'No Further Action' decision notice. If the complaint is out of scope the MO will notify the complainant of their decision in writing. If however there does appear to the MO to be a prima facie case the MO will consult one of the Independent Persons (IP) before reaching a decision as to how to resolve the complaint. If the MO and IP consider that there is a possibility of a significant breach of the Code being found the matter will be investigated.

Investigation

- 5.7 If, after the initial assessment, a complaint is to be investigated the MO will arrange for an investigation to establish if the alleged breach or breaches of the Code have occurred. The investigation is to be completed as soon as is practicable and a written report will be provided by the investigator setting out a summary of the facts, a review

of the evidence, the investigator's conclusions as to whether there has been a breach of the Code, and the investigator's recommendations.

- 5.8 Where appropriate the report will then be referred to the Standards Panel for determination
- 5.9 The subject member will be invited to address the Panel and to answer any questions.
- 5.10 The Panel shall decide on whether the alleged breach or breaches are proved, on the balance of probabilities. If a breach or breaches are proved then the Panel shall determine what sanction, if any, should be imposed on the subject member.
- 5.11 Following the Panel's decision the MO shall inform the complainant, the subject member and the relevant group leader (if the complaint is against a member of the District Council) or the clerk (if the complaint is against a Member of a town or parish council) of the conclusions of the Panel and any sanctions imposed. The decision will then become a matter of public record.
- 5.12 The following complaints would not normally be referred for investigation:
- a) The complaint is not considered sufficiently serious to warrant investigation; or
 - b) The complaint appears to be simply motivated by malice or is "tit-for-tat"; or
 - c) The complaint appears to be politically motivated; or
 - d) It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor's private life or is about dissatisfaction with a Council decision; or
 - e) It is about someone who is no longer a Councillor
 - f) There is insufficient information available for a referral; or
 - g) The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
 - h) The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
 - i) The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Panel; or
 - j) It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
 - k) Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

Part 3: Sanctions

Where a complaint has been determined and a member found to be in breach of the Code of Conduct the following sanctions are available:

- a) The Member is issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;

- b) Removal from committees or sub-committees of the Council;
- c) Removal from outside bodies, on which the Member represents the Council;
- d) Recommending to the Leader of the Council (or relevant Political Group leader as appropriate) that the Member be removed from the Cabinet/Executive or removed from particular Portfolio responsibilities;
- e) Instructing the Monitoring Officer to arrange training for the Member;
- f) Withdrawal of facilities provided to the Member such as emails access;
- g) Recommendation to Full Council that the Member is excluded from the Council Offices, with the exception of attending for Council and Committee meetings
- h) Instructing the Monitoring Officer to apply the informal resolution process;
- i) Recommending that the Council issue a press release or other form of publicity
- j) Publishing the findings in respect of the Member's conduct in such manner as considered appropriate.

Neither the Monitoring Officer nor the Standards Panel has any power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

Chapter 2. Member/Officer Protocol

Preamble

1. Mutual respect and trust between Members and Officers may seem obvious, but what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
2. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers:
 - to promote trust, openness, fairness and honesty by establishing some ground rules;
 - to define roles so as:
 - to clarify responsibilities (that is, who does what),
 - to avoid conflict, and
 - to prevent duplication or omission;
 - to secure compliance with the law, codes of conduct and a Council's own practices; and
 - to lay down procedures for dealing with concerns by members or officers.
3. The protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It's one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.
4. Members and officers must at all times observe this protocol. It should not be considered simply a list of do's and don'ts but also as guidance on cultural and behavioural matters to ensure that the Council benefits from good working relationships and achieves its full potential in delivering services to the community it serves.

Definitions

6. Unless the context indicates otherwise, references to the term "Council" includes Full Council, the Cabinet, all Committees, subcommittees and task/working groups.
7. Unless the context indicates otherwise, the terms "member" and "members" includes co-opted members as well as elected councillors.
8. "Officers" and "staff" mean all persons employed by the Council and Publica

"Senior officer" is as defined within the Constitution

"Designated Finance Officer" means the Chief Finance Officer (section 151 Officer) exercising the duties prescribed by law for the financial administration of the Council and the

"Monitoring Officer" means the officer exercising the duties prescribed by law for the ethical and legal administration of the Council.

The role of members

10. Members have a number of elements within their role:

- as politicians with political values and support for the policies of the group to which they belong;
- as representatives of all the electorate of the Council's administrative area, and their ward in particular;
- as community leaders for the whole population of the administrative area;
- as an elected member with responsibility for the administration and service delivery to the community as a whole; and
- in personal life where they may have to live and/or work in the area in which they serve.

There is a need for members to be alert to the potential for conflicts of interest, which may arise within their role. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

11. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget. In particular, members should: Define the core values of the Council as an organisation, and with assistance from officers, identify the priority objectives
12. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
13. Every elected-member represents the interests of, and is an advocate for, his/her Ward and individual constituents. He/she represents the Council in the Ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
14. Some members have roles within the Council relating to their position as members of the Cabinet, scrutiny committees or other committees and subcommittees of the Council:
 - a. The Leader and Cabinet collectively decide the day-to-day operational issues not delegated to officers and recommend framework policies and strategies to Council.
 - b. Members serving on scrutiny and review committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues.

- c. Members who serve on other committees and sub-committees collectively have delegated responsibilities, for example, deciding quasi-judicial matters that, by law, are excluded from the remit of the Cabinet.
15. Some members may be appointed to represent the Council on local, regional or national bodies.
16. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest. The political party values and aspirations should not be formally exercised by a political whip on members undertaking the scrutiny function.
17. Members will endeavour to give responses within a reasonable time, for example, 5 working days to enquiries from members of the public.

The rights and duties of members

18. Members have no authority to instruct officers other than:
 - through the formal decision-making process of Cabinet, the committees and Council; and
 - to request the provision of consumable resources provided by the Council for members' use;
19. Unless authorised by this Constitution under the Cabinet system individual members cannot authorise nor initiate actions nor certify financial transactions, nor enter into a contract on behalf of the Council. However, members who are appointed to certain positions may have to sign authorisations as required by secondary legislation or other requirements of this Constitution.
20. Members must avoid taking actions, which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer and/or the Section 151 Officer.
21. A member should not criticise the conduct or capability of an officer at any meeting of Council or committee. Neither should a member write letters or give interviews to the press criticising officers. This is because of the long-standing convention in public service that officers do not have the same means of responding to such criticisms in public. If a member has a concern regarding an officer this should be addressed to a senior officer.
22. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that officers change their professional advice. Members must respect that the officers have a duty to correct information given to Members during the decision-making process.
23. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.

24. Members have a duty under their code of conduct:
- To promote equality by not discriminating unlawfully against any person, and
 - To treat others with respect.
25. Under the code, a member must not when acting as a member or in any other capacity:
- Bring the Council or his/her position as a member into disrepute; or
 - Use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

The role of officers

26. Officers should work in partnership with members to deliver the services to the community, to the standard set by the Council. Officers should be committed to the Council as a whole and must not show any bias, partiality or allegiance to any political group or grouping. Officers must always provide advice and information in an impartial and professional manner and in a manner that does not compromise their political neutrality.
27. Officers are employed to undertake the functions of the Council (including management responsibilities) and to help members attain their policy goals. Where operational decisions are delegated to the officers, they must exercise that authority in accordance with the adopted policy and values of the Council. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors and have a duty to advise members that certain courses of action desired by members cannot be adopted. Officers must not enter into a debate during the decision-making process unless to correct factual information or in response to a chairman's request for an opinion.

The rights and duties of officers

28. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
29. Officers must be alert to issues, which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.
30. Officers must also:
- a. Respond to members' requests for information promptly but within 5 working days (either with the information or an explanation why the period will be longer).
 - b. Act with honesty, respect, dignity, courtesy and integrity at all times.

- c. Provide support and learning and development opportunities for members to assist members perform their various roles, and
- d. Respect confidences.

The relationship between members and officers: general

- 31. Members and officers should inform the Monitoring Officer of any relationship which might be perceived as unduly influencing them in their respective roles.
- 32. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision that directly affects the officer on a personal basis, or vice versa.
- 32. There are particular characteristics of the use of e-mails, notably its immediacy, which can create a greater sense of 'bombardment' or 'harassment' than traditional forms of correspondence, which needs to be recognised and managed. Practical guidance for members and officers on the use of emails is referred to later in this protocol under the heading "Correspondence" and also in the Council's protocol on using email.
- 33. Officers' work priorities are set and managed by senior managers not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be unduly disrupted or asked to exceed the bounds of authority they have been given by their managers. Meetings should be arranged to a timescale that enables officers to complete tasks assigned to them and not at a frequency which disrupts other tasks set by the Council. Except when the purpose of an enquiry is purely to seek factual information on day-to-day matters, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 34. Officers will do their best to give timely responses to members' enquiries within 5 working days but should not have an unreasonable volume of requests placed on them.
- 35. Officers shall not discuss with a member personal matters concerning themselves or another individual employee. This does not prevent an officer raising, on a personal basis, and in their own time, a matter relevant to a Council function with their ward member.

Relationships between Officers and Cabinet Members, Chairman of Committees and the Leader

- 36. It is important to the efficient discharge of the Council's functions that there should be a good working relationship between Members of the Cabinet, Head of Paid Service and Senior Officers and between the Chair of a committee and officers. However, such relationships should never be allowed to become close, or appear to

be so close, as to bring into question the employee's ability to deal impartially with other Members and other party groups.

37. Officers frequently write reports having undertaken background research and professional and technical appraisals of proposals.
38. These reports are then presented by the Cabinet Member with Portfolio, with the assistance of officers where necessary.
39. Members must accept that in some situations officers will be under a duty to submit an opinion or advice in a report on a particular matter. In those situations the officer will always be fully responsible for those elements of a report submitted in the Member's name.
40. The principles set out in paragraphs 41 and 42 below apply to such elements of the report.
41. Where an officer wishes to consult a Cabinet Member or Chairman as part of the preparation of a report to a decision-making body under the Council's constitution, the following principles will apply. The Cabinet Member or Chairman may ask the report author:
 - (a) To include particular options;
 - (b) To clarify the report by expanding, simplifying or re-phrasing any part of the report or including other particular information;
 - (c) To check or correct any error or omission of any matter or fact including statements of summaries of policy or budget;
 - (d) To check any estimate of costs or savings.
42. The Cabinet Member or Chairman may not ask officers:
 - a. To exclude any option contained in the draft report;
 - b. To exclude or alter the substance of any statement in the draft report of any officer's professional opinion;
 - c. To alter the substance of any recommendation that compromises the officer's integrity or would result in illegality;
 - d. To exclude any report, comments or representations arising from consultations, publicity or supply of information to the community.
43. Certain statutory functions are undertaken by officers. Their reports on such matters are then their own full responsibility.

Scrutiny Arrangements

44. Cabinet arrangements raise particular issues for local authority employees because:
 - a. The advice which officers have given to the Cabinet, its Members or to any group may be subject to scrutiny and examined by the Strategic Overview and Scrutiny Committee.

- b. Officers may have written reports for presentation by a Cabinet Member with Portfolio or provided advice to the Cabinet. Where such a decision is subject to scrutiny by the Strategic Overview and Scrutiny Committee, or when a decision is called-in, an officer may provide information or advice to the Strategic Overview and Scrutiny Committee. Members must recognise that there is an inherent tension between these two roles. As circumstances change or more information comes to light, advice may reflect the difference.
- c. The Strategic Overview and Scrutiny Committee and its members will need active assistance from officers if they are to perform their role of scrutinising the Cabinet effectively.

These factors will require understanding by Members of the role that officers have to perform.

Overview and Scrutiny

- 45. The scrutiny role of the Council is performed by the Strategic Overview and Scrutiny Committee and the Audit Committee. Senior Officers may need to attend the Strategic Overview and Scrutiny Committee to give evidence and assist in its scrutiny.
- 46. Where an employee /Senior Officer is required to attend before the Strategic Overview and Scrutiny Committee, to report to it or provide evidence for it, it is the employee's duty to do so, or to explain why he or she is unable or unwilling to do so. If after considering that explanation the committee insists on the information being provided the employee must do so.
- 47. Where the Strategic Overview and Scrutiny Committee has resolved to undertake a review it is the duty of Senior Officers to co-operate fully with the review. This duty extends beyond merely answering the Committee's questions and involves a requirement to assist the Committee in addressing the right questions and seeking the information which may be required to help them in their work.

Party group meetings and Officers

- 48. Party Group Meetings play an important role in the political management of the Council. They provide a useful forum to keep Members up to date with Council and Group business. They can assist in the smooth running of meetings especially in agreeing questions and motions for Full Council Meetings. .
- 49. Senior officers may properly be asked to provide advice and information on matters concerning Council business by party groups but should not contribute to deliberations of the group. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf. In their dealings with party groups, officers must treat each group in a fair transparent and even-handed manner. If one group requests particular support then other groups will be offered the opportunity to have similar support.
- 50. Officers have the right to refuse such requests, and will not attend a meeting of a party group where some of those attending are not members of the Council, unless specific

authority has been given by the Head of Paid Service who has the discretion to discuss the request with other group leaders.

51. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
52. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer does not confer formal status on such meetings in terms of Council business and must not be interpreted as doing so.
53. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this will not be a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
54. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting of the group.
55. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
56. Members must not do anything which compromises or is likely to compromise officers' impartiality. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there
57. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

Local members and officers

58. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
59. This requirement is particularly important:

- during the formative stages of policy development, where practicable;
 - in relation to significant or sensitive operational matters;
 - whenever any form of public consultation exercise is undertaken; and
 - during an overview and scrutiny investigation.
60. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
61. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
- an officer may attend but is not obliged to do so, and
 - the meeting may be held in Council-owned premises.
62. No such meetings should be arranged or held in the immediate four week run-up to Council elections, i.e. within the period following a declaration of an election or of a vacancy.
63. Officers must never be asked to attend ward or constituency political party meetings. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
 - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
64. It is acknowledged that some Council staff may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
65. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

Members' access to documents and information

66. This part of the protocol should be read in conjunction with the statutory provisions relating to access to information, the rules in the Council's constitution and the Freedom of Information guidance.
67. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.
68. It will be the task of senior officers to ensure that adequate systems to communicate information etc. are in place and other officers are made aware of the need to provide the information. If a member has need of specific information, other advice or particular support, this should be channelled through the senior officer.
69. Every member of a committee has a right to inspect documents about the business of that committee or subcommittee.
70. A member who is not a member of a specific committee or subcommittee may have access to any document of that specific part of the Council provided:
- the document is in the public domain; or
 - they can demonstrate a reasonable need to see the documents in order to carry out their role as a member (the "need to know" principle); or
 - the documents do not contain "confidential" or "exempt" information as defined by the law, e.g. personal information covered by the Data Protection Acts, and
 - the subject matter is one in which they do not have a personal or prejudicial interest as defined in the members' code of conduct.
71. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
72. Members may approach any Senior Officer for information, explanation or advice about that group's functions, as they may reasonably need to know in order to assist them in discharging their role as members of Council, being aware that personal information may not be disclosed without proper authorisation.
73. Information that is of a sensitive nature, e.g. personal data, commercially confidential, etc. which is given to a member or officer must only be used for the purpose for which it was requested, i.e. the better performance of Council duties, and should not be used for personal benefit, including benefit to family, friends and business. Information, which is restricted in circulation, for example, confidential, commercially sensitive or exempt, must not be disclosed by the member to any other party. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
74. When requested to do so, officers will keep confidential from other members advice requested by a member, save the Monitoring Officer if the matters involve maladministration but in that case the source of the information will be kept confidential.
75. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media relations

76. Press releases or statements issued by the Council will be factual and consistent with Council policy. They cannot be used to promote a party group. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
77. If a member is contacted by, or contacts, the media on an issue, he/she should:
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.
 - Not divulge advice given personally to that member by an officer, and
 - not jeopardise the necessary trust between officers and members by making statements apportioning blame to officers for decisions made by members or personally criticise the officer for the advice he gave. Qualified privilege may not apply to defamatory statements made against officers

Correspondence

78. Correspondence (which includes e-mail) between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies. Officers may forward copies to other (relevant) officers where specific action is required to be taken or explained.
79. When sending e-mails the following principles apply in addition to the requirements of the Email Protocol:
- a. Keep the distribution to the minimum - only send to the people who actually need the information, etc. Gratuitous copies are intrusive and can cause inefficiency and loss of effectiveness.
 - b. Emails etiquette differs from letter writing - ensure that the content of the email does not offend in its tone and is not ambiguous.
 - c. Check spelling.
 - d. Always read the email before sending to make sure it conveys the right message.
80. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member. When writing in an individual capacity as a ward member, that fact must be made clear.

Access to premises

81. Members and officers have a right of access to Council owned land and premises to fulfil their duties. Members have no right of access to any other private land, save that they own.
82. When making visits as individual members, members should:
- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit;
 - if outside his/her own ward, notify the ward member(s) beforehand; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

Use of Council resources

83. Officers and members must comply with the Information Security Policy and Use of Resources Policy.

Interpretation, complaints and allegations of breaches

84. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Head of Paid Service, Monitoring Officer or Deputy Monitoring Officer.
85. Members should honour the convention which precludes officers responding to statements by members in a public forum. A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - avoid making a criticism in public, and
 - follow the adopted internal procedures.
86. The Head of Paid Service is responsible for the disciplining of retained staff and processes have been agreed with the trade unions, which allow a fair and thorough review of conduct. It is important that these procedures are adhered to in cases where an officer's conduct gives cause for concern. Publica has its own arrangements in place for the disciplining of Publica employees
87. Officers who have concerns about a member's conduct should initially refer the issue to their line manager, the Head of Paid Service, Monitoring Officer or a Senior

Officer and if the issue remains unresolved consider whether internal processes should be initiated or a complaint lodged with the Standards Panel depending on the nature of the grievance.

Chapter 3. Protocol for the attendance of officers and members at meetings of another Public Authority

This protocol is agreed by

Cheltenham Borough Council
Cotswold District Council
Forest of Dean District Council
Gloucester City Council
Gloucestershire County Council
Stroud District Council
Tewkesbury Borough Council

1. An authority may request officers and/or members of another authority to attend at a meeting or meetings of the authority or any of its committees, subcommittees, boards, panels or other gatherings being held at its offices. The purpose of such attendance is limited to assisting that authority in the conduct of its business including reviewing the effects of, but not scrutinising, decisions of another authority.
2. All such requests shall be made in writing to the Head of Paid Service of the authority at least 10 working days before the date of requested attendance and shall include the following information:
 - The date, time, location and anticipated duration of the attendance requested.
 - The name of the person(s) whose attendance is requested.
 - If a particular person's presence is requested the reason for selecting that person.
 - A summary of the matter in respect of which attendance is requested.
 - All questions which reasonably can be anticipated will be put to any person(s) attending (it is accepted that answers to questions may lead to further questions)
 - The names of the person(s) who will be putting questions.
 - A list of the names of all other persons expected to attend
 - The name and telephone number of the responsible officer as a point of contact for the person attending
3. The Head of Paid Service, having received such a request, shall respond to the request within five working days stating:
 - Whether anyone will attend.

- Whether attendance will be as requested or that alternative arrangements will be necessary.
- Whether the particular person(s) whose presence is requested will attend or whether some other person will attend and who that person will be.
- Whether the questions specified in the request will be answered either at all or to some limited extent (in which case reasons will be given) or fully.

In the event that there will be no attendance, whether and if so how and when, the questions notified will be responded to.

4. All questions shall relate to facts and not opinion although the person attending may express opinions.
5. The person(s) attending may only decline to answer any question on the grounds of competence or knowledge.
6. All reasonable expenses relating to the attendance(s) will be met by the authority responding to the request
7. All persons attending in response to a request shall at all times be treated with the highest standards of courtesy and respect and shall not under any circumstances be bullied, harassed or abused

Chapter 4: Appointments of Members to Outside Bodies

Where meetings of the outside body have not taken place, then it would be prudent to remove these appointments from the Council's list of appointments.

Where members have not attended the meetings of an outside body, this should be deemed to be evidence of a lack of need for appointment to the organisation, and the appointment should be deleted from the Council's list of approved duties.

Unless a clear and resource-neutral benefit from personal representation on an outside body can be identified, the Council should decline to appoint such representatives but will, where providing public finance to the organisation, require formal service level agreements prior to the award of any funds.

Where grants/loans/funding of £5,000 or more are being awarded to outside bodies, these will be preceded by the completion of a service level agreement which will identify the expected outcomes/outputs to be achieved by the recipient organisation, and the necessary methodology for assessing compliance with those objectives set by Council. The organisation will also be required to identify the benefit of having Council representation on its management committee, and confirm the frequency of meetings and the frequency of attendance of members at these meetings.

Where members are appointed to the outside bodies referred to in the previous paragraph, they will report back in writing every six months (in October and April). The report will be circulated to all members of the Council, and will provide details of the work undertaken by the organisation, the continuing benefit of personal representation, a cost/benefit analysis (not necessarily a financial assessment) of the achievements of the organisation, and its effectiveness in delivering the outcomes/outputs required by the Council. Officers will complement these reports with information gleaned under the formal service level agreements.

Where members are appointed to outside bodies not in receipt of grants, loans or other funding of £5,000 or more, the members will provide a written report in April of each year. The report will be circulated to all members of the Council, and will provide details of the work undertaken by the organisation, the continuing benefit of personal representation, a cost/benefit analysis (not necessarily a financial assessment) of the achievements of the organisation, and its effectiveness in delivering the outcomes/outputs required by the Council.

Any member may refer these reports, or issues raised by the reports, to the appropriate overview and scrutiny committee if further consideration is felt necessary.

Members will report back to the Strategic Overview and Scrutiny Committee where they believe that there is little value in continuing personal representation on outside bodies.

Chapter 5: Protocol on the Use of Council facilities & resources by Councillors

1. Introduction

1.1 The Council provides facilities and resources to assist members in carrying out their duties as councillors or as holders of an office within the Council.

1.2 The Members Code of Conduct states:

12. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others:

- (1) Do act in accordance with the authority's reasonable requirements including the requirement of the authority's IT policy and the policies as set out in this Code which you are deemed to have read;*
- (2) Do make sure that such resources are not used improperly for political purposes (including party political purposes); and*
- (3) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;*
- (4) Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.*

1.3 This protocol seeks to build on the Code of Conduct and explain the limitations placed on the use by Members, of the Council's facilities and resources

2. Use of facilities and resources

2.1 Members may use Council facilities and resources for political purposes, in connection with the following business;

- (a) holding ward surgeries;
- (b) dealing with correspondence from constituents;
- (c) communication group activities;
- (d) meetings between group members

2.2 The Council is prohibited from publishing any material of a party political nature and Members should ensure that when using or authorising the use by others of the Council's facilities and resources, that such facilities and resources are not used for purely political purposes and that the use of Council premises is restricted to premises available to the public generally and paid for at the full hire costs.

2.3 A Member's use of Council facilities and resources must not extend to political parties more generally. Use of Council owned premises for party political purposes (where such meetings are used to further the political aims and objectives of the party concerned) must be restricted to premises available to the public generally and paid for at the full hire costs.

2.4 In cases where 2.3 does not apply, such as political group meetings where the purpose includes Council business and is not solely to further political aims and objectives, then Members can make use of rooms available at the Council Offices, without charge provided that:

- (a) rooms are available for the required time;
- (b) meetings are restricted to Monday – Friday (except Bank holidays or when the offices are closed for example during the Christmas period or at times on inclement weather) and start no earlier than 7.30am and finish no later than 9.00pm Monday –Thursday and 7.00pm on Fridays. If Members want to hold meetings outside of these days/times then it must be agreed in advance with the Head of Paid Service or other Senior Officer and the expenses incurred must be met by the political party's funds and not Council funds;
- (c) Evening meetings must be booked at least 7 days in advance through Democratic Services, to ensure the correct number of security officers are on-site for health and safety reasons;
- (d) Third parties may attend political group meetings held in the Council's offices, provided that the primary purpose of the meeting is the consideration of business relevant to Forest of Dean District Council and not the political party.

2.5 Members must not use any Council facilities and/or resources for purely political purposes, including designing and distributing party political material produced for publicity purposes and support of any political party or group activity or elections and campaigning.

3. Private/Personal Use

- 3.1 As a general rule, facilities and resources paid for by the public purse and provided for use in Council business should only be used for Council business.
- 3.2 Members are required to adhere to the Council's Information Security Policy and to sign an acceptable use policy.

4. Complaints and allegations of breaches of this protocol

- 4.1 Allegations of any failure to meet this Protocol must be made in writing, to the Monitoring Officer. The Monitoring Officer will consider how the complaint or allegation should be dealt with.

5. Further Guidance

- 5.1 Further advice or clarification can be sought from the Monitoring Officer