

To all Members of Stroud District Council

11 May 2020

You are hereby summoned to attend a remote meeting of **STROUD DISTRICT COUNCIL** on **TUESDAY 19 MAY 2020 at 7.00pm.**



Kathy O'Leary  
Chief Executive

**Venue**

*This meeting will be conducted using Zoom and a separate invitation with the link to access the meeting will be sent to Members, relevant officers and members of the public who have submitted a question.*

*Members of the public are invited to access the meeting streamed live via Stroud District Council's [YouTube channel](#).*

*A recording of the meeting will be published onto the Council's website ([www.stroud.gov.uk](http://www.stroud.gov.uk)). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.*

**A G E N D A**

- 1 APOLOGIES**  
To receive apologies for absence.
- 2 DECLARATIONS OF INTEREST**  
To receive declarations of interest.
- 3 MINUTES**  
To approve the Minutes of the Council's meeting held on 20 February 2020.
- 4 ANNOUNCEMENTS**  
To receive announcements from the Chair of Council.
- 5 PUBLIC QUESTION TIME**  
The Chairs of Committees will answer questions from members of the public submitted in accordance with the Council's procedures.

**DEADLINE FOR RECEIPT OF QUESTIONS**

Noon on Thursday, 14 May 2020

Questions must be submitted to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and can be sent by email to [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk)

**6**     **AMENDMENTS TO THE CONSTITUTION**

To advise Council of changes needed to the constitution.

**7**     **COMMITTEE MEMBERSHIP**

**Housing Committee** – Councillor Stephen Davies to fill the vacancy on Housing Committee.

**8**     **MEMBERS' QUESTIONS**

See Agenda Item 5 for deadline for submission.

**COUNCIL MEETING****20 February 2020****7.00 pm – 8.45 pm****Council Chamber, Ebley Mill, Stroud****3****Minutes****Membership**

Martin Baxendale	P	Nick Hurst	P	Nigel Prenter	A
Dorcas Binns	A	George James	P	Skeena Rathor	A
Catherine Braun	A	Julie Job	A	Sue Reed	P
Chris Brine	P	Haydn Jones	P	Mark Reeves	P
Miranda Clifton	P	John Jones	P	Steve Robinson*	P
Nigel Cooper	P	Norman Kay	A	Mattie Ross	P
Doina Cornell	P	Darren Loftus	P	Tom Skinner	P
Gordon Craig	P	Stephen Lydon	P	Nigel Studdert-Kennedy	P
Rachel Curley	P	John Marjoram	P	Haydn Sutton	P
Stephen Davies	P	Phil McAsey	A	Brian Tipper	P
Paul Denney	P	Karen McKeown	A	Chas Townley	P
Jim Dewey	P	Jenny Miles	P	Jessica Tomblin	A
Jonathan Edmunds	P	Dave Mossman	A	Ken Tucker	P
Chas Fellows	A	Gill Oxley	A	Martin Whiteside	P
Colin Fryer	P	Keith Pearson	P	Tim Williams	A
Lindsey Green	P	Simon Pickering	P	Tom Williams	P
Trevor Hall	A	Gary Powell**	P	Debbie Young	A

\*\*Chair \*Vice-Chair P = Present A = Absent

**Officers in Attendance**

Chief Executive	Interim Head of Legal Services and
Democratic Services & Elections Manager	Monitoring Officer
Strategic Director of Resources	Interim Accountancy Manager

**CL.055 APOLOGIES**

Apologies for absence were received from Councillors Binns, Braun, Fellows, Hall, Job, Kay, McAsey, McKeown, Mossman, Oxley, Prenter, Rathor, Tomblin, Tim Williams and Young.

**CL.056 DECLARATIONS OF INTEREST**

The Interim Head of Legal Services and Monitoring Officer declared an interest in Agenda Item 8, Extension to Designation of Monitoring Officer and would leave the Council Chamber before this item was discussed.

**CL.057      MINUTES**

**RESOLVED** That the minutes of the Council's meeting held on 16 January 2020 are confirmed and signed as a correct record.

**CL.058      ANNOUNCEMENTS**Chair

Members were reminded to complete the Independent Remuneration Panel survey regarding the current scheme of allowances.

Leader

The Strategy and Resources Committee on 5 March 2020 had been cancelled because several reports had now been moved to future meetings. The next meeting would be held on 16 April 2020.

**CL.059      GLOUCESTERSHIRE RESOURCES AND WASTE PARTNERSHIP**

Councillor Pickering, the Chair of Environment Committee outlined the background to the above report. The Joint Waste Committee had been disbanded on 13 December 2019. Neither Stroud District Council nor Gloucester City Council were members of this committee. It was agreed that a more informal committee was formed with no executive powers and would try to work together to improve waste reduction across the county. There are no overt budget implications to this Council.

In response to Members' questions he could not answer whether there was a standard collection service throughout the county. By 2024 we aim to have an agreed collection system across the county. The success of our collection system may result in other Council's doing the same collection system. The County Council is the Waste Disposal Authority and it is viewed that there are different ways of doing things. In the run up to the opening of the incinerator it was believed the cost of moving waste to the incinerator would be cost neutral, however, in Cheltenham for various reasons there is no transfer station set up where refuse could be bulked up for carriage to the incinerator. This means that Cheltenham have to take their waste to the incinerator in their collection lorries.

The report was seconded by Councillor Whiteside.

When put to the vote, the Motion was unanimously carried.

**RESOLVED** 1. To authorise Stroud District Council's membership of the new Gloucestershire Resources and Waste Partnership; and  
2. To delegate authority to the Head of Community Services to approve the final Terms of Reference in consultation with the Chair of Environment Committee.

**CL.060      ADOPTION OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA) WORKING DEFINITION OF ANTISEMITISM**

Councillor Cornell, the Leader thanked Members for attending the Council's Holocaust Memorial Event which was dedicated to the remembrance of those who had suffered in the holocaust and genocide. She hoped that this would be an annual event in the

Council's calendar. The Secretary of State had sent a letter to all Councils requesting them to adopt the IHRA. The adoption of the IHRA had cross-party support and would send a statement out to all communities.

The report was seconded by Councillor Davies who endorsed the Leader's comments.

When put to the vote, the Motion was carried.

**RESOLVED To adopt the IHRA working definition of antisemitism with immediate effect.**

**CL.061      DISPENSATION UNDER SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972**

Councillor Davies presented the above report for a dispensation for Councillor David Mossman, who was currently unable to carry out Council duties due to ill-health.

The report was seconded by Councillor Cornell who sent best wishes on behalf of Members.

When put to the vote, the Motion was unanimously carried.

**RESOLVED To authorise Councillor David Mossman to be absent from all meetings of the Authority until the end of the Municipal Year.**

The Monitoring Officer left the Council Chamber.

**CL.062      EXTENSION TO DESIGNATION OF MONITORING OFFICER**

The Strategic Director of Resources outlined the purpose of the report which was to ensure that the Council had a Monitoring Officer in place after 31 March 2020 and until a permanent Monitoring Officer had been appointed. The current Monitoring Officer was overseeing the transfer of the legal service on 1 April 2020 to One Legal, who were based in Tewkesbury, provided that there was a satisfactory business case.

In response to Councillor Studdert-Kennedy's question the Strategic Director confirmed that the post of Monitoring Officer was a statutory post and the Council would have their own permanent in-house Monitoring Officer, who would be part of the new Policy Team.

The report was proposed by Councillor Townley and seconded by Councillor Pearson who stated that he was happy with the advice that he had received from the current Monitoring Officer.

When put to the vote, the Motion was carried.

**RESOLVED To extend the designation of Patrick Arran as Monitoring Officer pending a permanent appointment being made to the Monitoring Officer post.**

The Monitoring Officer returned to the meeting.

**CL.063 RECOMMENDATIONS FROM OTHER COMMITTEES**a. Treasury Management Strategy, Annual Investment Strategy and Medium Revenue Provision Policy Statement 2020/21

Councillor Williams, Vice-Chair of the Audit and Standards Committee outlined the above report which was agreed by Committee at their meeting on 28 January 2020. The main policy change made this year was where long term investments were made. This had been the subject of much discussion.

In response to Councillor Townley's question, the Strategic Director of Resources confirmed that a small proportion of our investment may be invested in multi-asset funds but we would not wish to directly invest in these.

Councillor Cooper inquired about the governance of the more risky investments making reference to the Icelandic banks and was concerned about the security/liquidity of investments rather than their return. Councillor Williams confirmed that the Council had a defined and very limited number of funds that they would be investing in.

Councillor Hurst inquired about the Capital Expenditure and the Strategic Director of Resources confirmed that the figures were consistent within the budget report and any changes would be reported.

The report was seconded by Councillor Pearson.

When put to the vote the Motion was carried.

- RESOLVED 1. To adopt the prudential indicators and limits for 2020/21 to 2022/23;**
- 2. To approve the treasury management strategy 2020/21, and the treasury prudential indicators;**
  - 3. To approve the investment strategy 2020/21, and the detailed criteria for specified and non-specified investments; and**
  - 4. To approve the MRP Statement 2020/21.**

**Strategy and Resources Committee – 30 January 2020**b. The Fair Pay and Senior Pay Policy Statement 2019/20

Councillor Cornell presented the above renewal of the annual Fair Pay and Senior Pay Policy Statement which was seconded by Councillor Townley.

When put to the vote it was unanimously carried.

**RESOLVED That the Statement is approved.**

c. Stroud District Council Capital Strategy

Councillor Cornell presented the Council's updated Capital Strategy that had been discussed at Strategy and Resources Committee on 30 January 2020.

The Motion was seconded by Councillor Whiteside.

In accordance with the Council Standing Orders, a recorded vote was taken, the results of which are as follows: -

**FOR: 36 votes, AGAINST: 0 votes, ABSENTION: 0 votes**

**Councillors**

Martin Baxendale	Lindsey Green	Sue Reed
Chris Brine	Nick Hurst	Mark Reeves
Miranda Clifton	George James	Steve Robinson
Nigel Cooper	Haydn Jones	Mattie Ross
Doina Cornell	John Jones	Tom Skinner
Gordon Craig	Darren Loftus	Nigel Studdert-Kennedy
Rachel Curley	Stephen Lydon	Haydn Sutton
Stephen Davies	John Marjoram	Brian Tipper
Paul Denney	Jenny Miles	Chas Townley
Jim Dewey	Keith Pearson	Ken Tucker
Jonathan Edmunds	Simon Pickering	Martin Whiteside
Colin Fryer	Gary Powell	Tom Williams

When put to the vote, the Motion was unanimously carried.

**RESOLVED To approve the Capital Strategy at Appendix A.**

d. The General Fund Budget 2020/21, Capital Programme, Medium Term Financial Plan and Council Tax Charges

Councillor Cornell summarised the key headlines, the revenue budget of £14.7m and capital investment of nearly £100m over the next 5 years. The increase in council tax of 2.4% equated to approximately an increase of 10p per week. The District Council's precept was less than the precept for Gloucestershire County Council, the Police Authority and all Town/Parish Councils; only 11% of the total of council tax goes to Stroud District Council. The Government funding review had been delayed by a year. The fees and charging policy makes it transparent what charges the Council would make.

Members' attention was drawn to the additional papers that had been circulated prior to the meeting; Appendix I – Details of Council Tax Charges and the replacement pages 66 and 67 for Appendix H – Stroud District Fees and Charges for Planning Strategy.

Assumptions had been made on the amount of funding received from business rates but the expectation was that the amount of funding would decrease. This was a realistic and relatively prudent budget from Officers. There were growth items included e.g. the canal and the unlocking of brown field sites. Staff at Stratford Park Leisure Centre will be paid the living wage. Bearing in mind of the uncertainty, Councillor Cornell was happy to recommend this budget.

The Motion was seconded by Councillor Whiteside.

In response to questions from Councillor Lydon, Councillor Cornell confirmed that she had regular meetings with both of our local MPs and would use every means she could to put pressure on both of them to lobby Government on the Council's behalf regarding business rates. She was also in regular contact with the LGA and would also ask for their assistance.

In reply to a question from Councillor Davies regarding paragraph 3.7, the Strategic Director of Resources confirmed that this was a technical area and contributions were split into two parts. It was the deficit contribution that was going down and the percentage for current staff going up. Officers needed to be cautious and this would continue to be reviewed.

During debate Councillor Davies gave credit for the hard work undertaken by the officers for a budget that works. He was however concerned by the lack of detail, stating that the budget lacked ambition. The Council needed to do more towards carbon neutrality; we do not seem to be doing enough.

Councillor Studdert-Kennedy made the point that pensions vary all of the time.

Councillor Lydon asked Councillor Davies why the Conservative Group had not proposed its own budget and why they had not brought projects forward regarding carbon neutral.

Councillor Pickering made reference to the energy performance of private houses and the Council's housing stock. The new cycling path made from recycled rubber from Nailsworth to Stonehouse took nearly 2 years of negotiation. During that time we built partnerships with many organisations and bodies. A project like this does take a lot of planning.

In summing up Councillor Whiteside stated that there was ample scope in this budget to be ambitious.

Councillor Cornell stated that the budget set the ground work for the next 4 years. Regarding climate change there are items within the budget that will affect our carbon emissions. Finally, she commended the budget.

In accordance with the Council Standing Orders, a recorded vote was taken, the results of which are as follows:-

**FOR: 23 votes**

Councillors

Martin Baxendale	Colin Fryer	Steve Robinson
Chris Brine	George James	Mattie Ross
Miranda Clifton	Stephen Lydon	Nigel Studdert-Kennedy
Doina Cornell	John Marjoram	Chas Townley
Rachel Curley	Jenny Miles	Ken Tucker
Paul Denney	Simon Pickering	Martin Whiteside
Jim Dewey	Gary Powell	Tom Williams
Jonathan Edmunds	Sue Reed	

**AGAINST: 2 votes**

Councillors

John Jones	Haydn Sutton
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**ABSENTIONS: 11 votes**

Councillors

Nigel Cooper	Nick Hurst	Mark Reeves
Gordon Craig	Haydn Jones	Tom Skinner
Stephen Davies	Darren Loftus	Brian Tipper
Lindsey Green	Keith Pearson	



When put to the vote, the Motion was carried.

**RESOLVED (Subject to the Government's final settlement announcements)**

- 1. To approve the updated Medium Term Financial Plan as set out in Appendices A-E;**
- 2. To increase the council tax by £5 p.a. to £212.52 at Band D, an increase of less than 10p per week for the services provided by Stroud District Council;**
- 3. To note the uncertainty around the impact of changes to local government funding in 2021/22;**
- 4. To approve the Capital Programme, as set out in Appendix E;**
- 5. To approve the planned changes to the reserves as set out in Section 4 of the report and Appendix F;**
- 6. To approve the fees and charges policy and list of Council fees and charges as set out in Appendices G and H.**

**In addition to the recommendations from the Strategy and Resources Committee,**

**RESOLVED 7. To approve the Council Tax Charges for the District as set out in Appendix I.**

- e. Housing Revenue Account (HRA) – Revised 2019/20 and Original 2020/21 Medium Term Financial Plan 2019/20 – 2023/24

Councillor Townley, the Chair of Housing Committee outlined various paragraphs and tables within the report that had been agreed at both Housing Committee and Strategy and Resources Committee. Rent charges had not been increased for the past 4 years. Because of a change in the contract for district heating, charges would be reduced.

The new in-house repairs and maintenance contract was on track; no savings were expected for 2020. The quality in service to our tenants would be improved because it would be in-house.

Planning permission had been granted on a housing site in Nailsworth and we will be seeking permission on two sites in Minchinhampton and Eastington in the future.

There is a new budget of £1.3m to offset the loss of rent for the properties to be used for temporary accommodation. We are trying to use Council housing and reduce relocating out of the district.

The Motion was seconded by Councillor Pickering who stated that we are the only local authority with its own housing stock, had a building programme and are improving our existing housing stock.

Councillor Townley confirmed that a budget to buy land needed to be available when this land became available, it was a timing issue. On 31 March 2020 the Council would be purchasing a site in Wotton-under-Edge and discussions were being held regarding the Ship Inn site. The budget clearly set out projects that had been agreed at Housing Committee.

The Strategic Director of Resources confirmed that Members had already agreed the budget principles underpinning this report in the earlier report and as such the decision had already been made. The HRA report was more detailed.

Councillor Robinson stated he was pleased that the Council were building at Ringfield Close, Nailsworth. These would be the first Council houses built in Nailsworth for 40 years. Insulation had already started on 40 non-traditional houses.

Councillor Hurst requested Members to vote on block but to separate item 4, but did not propose a motion to that effect.

In response to a question from Councillor Pearson regarding the poor performance of Contractors Councillor Townley confirmed that there had been problems with the commissioning process of outside contractors. Problems could be resolved swiftly when there was direct control in-house, Officers would be able to respond to issues as and when they arise.

Work is currently being undertaken to develop a strategy to buy back former Council owned properties. A report would be presented to June Housing Committee.

Councillor Davies stated he had an issue with the execution of the budget, some of the numbers were fanciful and unrealistic. It was not a bad budget but disappointing.

Councillor Cornell confirmed she was pleased that the Cambridge House modernisation scheme had been included within the report. Also that the 5 year Council house building programme had been delivered on time and on budget. The Council had a good track record.

In accordance with the Council Standing Orders, a recorded vote was taken, the results of which are as follows:-

**FOR: 22 votes**

Councillors

Martin Baxendale	Colin Fryer	Steve Robinson
Chris Brine	George James	Mattie Ross
Miranda Clifton	Stephen Lydon	Chas Townley
Doina Cornell	John Marjoram	Ken Tucker
Rachel Curley	Jenny Miles	Martin Whiteside
Paul Denney	Simon Pickering	Tom Williams
Jim Dewey	Gary Powell	
Jonathan Edmunds	Sue Reed	

**AGAINST: 2 votes**

Councillors

Gordon Craig	Nick Hurst
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**ABSENTIONS: 12 votes**

Councillors

Nigel Cooper	John Jones	Tom Skinner
Stephen Davies	Darren Loftus	Nigel Studdert-Kennedy
Lindsey Green	Keith Pearson	Haydn Sutton
Haydn Jones	Mark Reeves	Brian Tipper

When put to the vote, the Motion was carried.

- RESOLVED**
- 1. The revised HRA revenue budget for 2019/20 and original budget 2020/21 are approved.**
  - 2. The movement to and from HRA balances and capital reserves as detailed in Appendix B and section 9 are approved.**
  - 3. That from 1 April 2020:**
    - i) Social rents and affordable rents are increased by 2.7%, in line with national rent guidance.**
    - ii) Garage rents are increased by 2.7%.**
    - iii) Landlord service charges are increased by 2.7%, except district heating charges which are decreased by an average of 21%. As detailed in Appendix A.**
  - 4. That the HRA Capital Programme for 2019/20 to 2023/24, as detailed in Appendix C, be included in the Council's Capital Programme.**

The meeting closed at 8.45 pm.

Chair

<b>Report Title</b>	<b>AMENDMENTS TO THE CONSTITUTION</b>			
<b>Purpose of Report</b>	<b>To advise Council of changes needed to the Constitution.</b>			
<b>Decision(s)</b>	<b>Council RESOLVES to:</b>  <b>a. Accept the proposed changes to the Constitution which will be subject to a review by the Constitution Working Group in six months</b>  <b>b. Delegate authority to the Monitoring Officer to make any consequential changes to the Remote Meetings Standing Order as a result of any issues arising from conducting remote meetings in consultation with the Constitution Working Group</b>			
<b>Consultation and Feedback</b>	Group Leaders, Strategic Leadership Team and Committee Chairs and Deputies (Standing Orders)			
<b>Report Author</b>	Patrick Arran – Interim Head of Legal Services and Monitoring Officer Tel: 01453 754369 Email: <a href="mailto:Patrick.arran@stroud.gov.uk">Patrick.arran@stroud.gov.uk</a>			
<b>Options</b>	These are changes which are necessary as a result of experiences during the Covid-19 emergency so no other options have been considered.			
<b>Background Papers</b>	None			
<b>Appendices</b>	Appendix A - Amendments to the Standing Orders for Remote Meetings Appendix B - Member Officer Relations Protocol			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	No	Yes	No	No

## 1. INTRODUCTION

Members will be very aware of the multitude of issues caused by the current Covid-19 emergency and the subsequent social distancing and lockdown. One of the consequences of this is that the Council has not been able to hold face to face meetings. In response to this issue, Government has laid Regulations to enable Councils to hold meetings remotely.

- 1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) make provision for remote attendance at, and remote access to, Council meetings held on or before 7 May 2021.
- 1.3 The Regulations enable the Council to hold meetings without all, or any, of the members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing.
- 1.4 This report focuses on the changes to the Constitution which are necessary to meet the challenges posed by the Covid-19 crisis and enable the Council to hold remote meetings effectively. The latter is to be achieved with an additional Standing Order which governs remote meetings.
- 1.5 The Monitoring Officer is also recommending that the quorum for meetings is altered to further facilitate remote meetings by enabling meetings to proceed where members are absent through illness or network problems and which would otherwise have to be adjourned or abandoned.
- 1.6 Early in the emergency, it became apparent that the lack of delegation to the Chief Executive to take urgent decisions in the Council's Scheme of Delegation was an issue. An amendment is therefore proposed to address this.
- 1.7 The existing delegation to the Monitoring Officer to amend the Constitution is too limited and does not enable him to make alterations as a result of legislation without bringing a report to Council. The remote meeting Regulations are an example of this limitation. An amendment is proposed to address this.
- 1.8 Whilst addressing the Access to Information provisions and timing of meeting consequences of the Regulations it was noted that there is an inconsistency in the Constitution in relation to the number of clear days needed between publication of the summons / agenda. An amendment is proposed to address this anomaly.
- 1.9 Prior to the emergency, the Constitution Working Group started to make good progress on the review of the Constitution and, but for current circumstances, would have recommended the first of its proposed changes at the Annual Meeting. However, the Regulations dispense with the need for an Annual Meeting. One of the first amendments proposed was an amended Member Officer Relations Protocol and in an effort to maintain momentum in reviewing the Constitution, this document is proposed to Council for approval.

## **2. Standing Orders**

- 2.1 The Coronavirus Act 2020 and the Regulations permit meetings to be held remotely, but left it open to the Council to make any necessary changes to the Constitution. The report author has been working closely with Democratic Services to organise an appropriate platform on which to hold remote meetings and considers Zoom to be the

most appropriate platform at this time. However, whilst remote meetings are a huge opportunity for the Council, they also pose challenges which need to be considered and addressed. In addition, there were some aspects of the Council's Standing Orders which were inconsistent with remote meetings such as the requirement that all members must be present in the room for a vote to be effective (Para 9.1).

2.2 Rather than adopt a piecemeal change to Standing Orders – and potentially have to change them back if the legislation is later revoked, which hopefully will not be the case - the Monitoring Officer has prepared an additional bespoke Standing Order which can be inserted at the end. Given that this Council, like others, is going through a potential experimental stage with remote meetings, the Monitoring Officer is also requesting delegated authority to make any necessary changes to this particular Standing Order immediately to avoid any disruption to the meeting process and timetable. This is proposed to be in consultation with the Constitution Working Group.

### 2.3 **Quorum**

Prior to the current emergency, the Monitoring Officer had noted that the quorum for service committee meetings was in excess of what was needed and did not reflect practice in other Councils. In one instance, this almost led to a meeting being abandoned for being inquorate. This was particularly problematic because there were a number of invited attendees at the meeting, some of whom were external. Initial discussions have been held with the Constitution Working Group, but had not progressed as meetings were cancelled.

2.4 This issue has been brought into sharp focus due to the current emergency and with the advent of remote meetings because there are two main risks which are; illness of members and the potential for internet disruption. The latter has been covered in the new Standing Order, but there would be better mitigation if the quorum was reduced.

2.5 The legal quorum for a meeting of Council is one quarter as set out in Paragraph 6, Schedule 12 Local Government Act 1972. It is therefore proposed that for remote meetings only the statutory minimum is adopted for full Council meetings. A quorum of 33% is proposed for the service committees (This does not include the Licensing Panel).

2.6 The existing provisions are set out below together with the proposed amendments.

#### **Existing**

### **2. QUORUM**

*2.1 The quorum for meetings of the Council or its committees shall be 50% of the total membership of each of those bodies.*

*2.2 The quorum for any Licensing Panel of the Community Services and Licensing Committee consisting of three Members shall be 100%.*

*2.3 If a meeting becomes inquorate then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.*

### **Proposed amendment**

## **2. QUORUM**

*2.1 The quorum for meetings of the Council or its committees shall be 50% of the total membership of each of those bodies with the exception of remote meetings when the quorum shall be 25% for Council and 33% for committees*

*2.2 The quorum for any Licensing Panel of the Community Services and Licensing Committee consisting of three Members shall be 100%.*

*2.3 If a meeting becomes inquorate then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting. If there is any urgent business requiring decision the matter should be referred to the Chief Executive.*

*2.4 For the avoidance of doubt when calculating the quorum any fractional figures will be rounded up.*

## **2.7 Scheme of Delegation – Chief Executive**

Other than for the period between the election and the Annual Meeting, the Scheme of Delegation does not provide any emergency powers to the Chief Executive. This creates a vacuum in a Council that runs a committee system as opposed to a cabinet system. This is because authority can only be delegated to a committee, sub-committee or an officer and no individual member has authority to take decision. It is quite normal for the Chief Executive to be provided with delegated authority to take urgent decisions and this is usually in consultation with the Leader and / or Group Leaders.

2.8 A recommended delegation is set out below, as before, the existing provision is set out followed by the provision proposed. It must be noted that any decisions should be in line with the budget and policy framework set by Council.

## **Existing**

### **Urgent decision between elections and AGM**

*B1.1 In the period between the election and the Council's AGM if Council or committee decision making is not possible, the Chief Executive or relevant Corporate Team members may take urgent decisions, subject to:*

- (a) consultation with the Chair of the Strategy and Resources Committee; and*
- (b) the Section 151 Officer or Monitoring Officer (as appropriate).*

*Any decisions so taken will be reported to the AGM.*

## **Proposed Amendment**

### **Urgent Decisions**

*B1.1 The Chief Executive may take any action which is required as a matter of urgency in the interests of the Council or its residents in consultation with*

- (a) the Leader and other Group Leaders if time permits, or Chair of Committee (if appropriate)*
- (b) the Section 151 Officer or Monitoring Officer (as appropriate)*

*B1.1.1A matter may be deemed urgent if, in the reasonable opinion of the Chief Executive, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a meeting of the relevant decision making body in sufficient time to take the decision*

*B1.1.2 Should the Chief Executive declare an interest in any decision proposed to be made or be unable or incapable of acting, then the delegated authority transfers from the Chief Executive to any of the Strategic Directors.*

*B1.1.3 Any decisions so taken will be in accordance with the budget and policy framework and will be reported to the appropriate meeting as soon as practicable and will be recorded in a report and Officer Decision Notice, published on the Council website which will record the reason for the urgency, the consultees and any response.*

## **2.9 Scheme of Delegation – Monitoring Officer**

Any changes to the Constitution have to be approved by Council, but from time to time there will be changes of an administrative nature or those which arise due to a change in the law. The Regulations referred to above are a good example of this, as a result of the



delegation to him; the Monitoring Officer in Bristol City Council was able to make immediate changes to the Constitution to change their Standing Orders. However the delegation in the Constitution at Stroud District is very limited and is a statement of the obvious. The existing provision together with a proposed changed provision is set out below.

### **Existing**

*C3A.3 To make amendments to the Constitution in view of the Council's resolutions and to address anomalies which may arise as a result of such amendments.*

### **Proposed**

C3A.3 In consultation with the Chief Executive and Constitution Working Group to make such amendments to the Constitution which, in that officers judgement, need to be made in view of the Council's resolutions, to correct anomalies and to reflect any changes to the law, such amendments will be reported for information.

## **2.10 Notice of Meetings**

There is an inconsistency in the Constitution about the time required between publication of the agenda and the holding of the meeting. (The legal requirement in Paragraph 4 1(A) Schedule 12 Local Government Act 1972 is five clear days). Paragraph 3 of the Council Standing Orders refers to five clear **working** days, yet Paragraph 17 refers to five clear days.

2.11 The proposal therefore is that paragraph 17 is amended to replace "five clear days" with "five clear working days". This brings it into line with Paragraph 3 to avoid any potential conflict

## **2.12 Member Officer Protocol**

As mentioned above, there is an opportunity to amend the Member Officer Protocol in this tranche of constitutional amendments. The draft has been widely circulated to all members for consultation, approved by the LGA and Strategy and Resources Committee and has been recommended for approval by the Constitution Working Group. In short, there is no reason not to adopt it since the current version appears to have been in place since 2004 and is inadequate.

## **3.1 Financial Implications**

There are no significant implications within this category.

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### **3.2 Legal Implications**

Any changes to the Constitution must be approved by Council unless falling within authority delegated to the Monitoring Officer. Any other legal implications are set out in the body of the report.

Patrick Arran Interim Head of Legal Services & Monitoring Officer

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### **3.3 Equality Implications**

An EIA is not required because there are not any specific changes to service delivery proposed within this decision.

### **3.3 Environmental Implications**

There are no significant implications within this category.

## 23. PROCEDURE RULES FOR THE REGULATION OF REMOTE MEETINGS

### General

- 23.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) make provision for remote attendance at, and remote access to, Council meetings held on or before 7 May 2021.
- 23.2 The Regulations enable the Council to hold meetings without all, or any, of the members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing. The Council intends to use Zoom as its preferred platform for the foreseeable future, but reserves its ability to use a different platform if it considers that necessary.
- 23.3 The procedure rules in this Constitution apply to remote meetings in the same way as they do for other meetings of the Council except where they conflict, in which case this procedure rule takes precedence over other procedure rules in relation to the governance of remote meetings.
- 23.4 The Chair, following consultation with the Chief Executive may alter the frequency move or cancel a remote meeting without notice.
- 23.5 The Council will endeavour to enable the public to participate in meetings where possible in terms of asking questions at Council and Committee meetings and making representations at regulatory meetings (Development Control Committee and Licensing) However, this will be restricted to the parties taking part in the meeting. Other members of the public and press will be able to view the meeting as it will be streamed at a remote location which will be advised in the meeting notice.
- 23.6 For the avoidance of doubt, neither the press nor members of the public will be able to access remote meetings which will consider exempt information and those meetings will not be webcast nor will the meeting access arrangements be made available other than to members of the Council.
- 23.7 If during a remote meeting a matter which could be considered exempt arises, the Chair in consultation with the Monitoring Officer or the Democratic Services Officer, will move that the item should be considered in private session and, if that motion is approved, will move the item to the end of the meeting agenda and the press and public will be excluded from that item. Members of the public and press can either leave the meeting or will be moved to the waiting room and the live stream will be cut.

### **Access to Information**

- 23.8 In terms of public and press access, requisite notice of the time of the meeting, the agenda and all agenda papers, together with details of how to view the meeting will be made available on the Council's website.
- 23.9 Elected Members and members of the public who wish to speak at a Council or Committee meeting and those who wish to make representations at regulatory meetings will be notified of a remote meeting by email which will provide them with the joining details.
- 23.10 For all purposes, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:
- (a) "open to inspection" shall include for these and all other purposes as being published on the website of the council; and
  - (b) to be published, posted or made available at offices of the Council shall include publication on the website of the Council.

### **Remote Access to Meetings**

- 23.11 For all purposes the term "meeting" is not limited in meaning to a meeting of persons who are present in the same place. Any reference to:
- (i) "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. (The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.)
  - (ii) "open to the public" includes access to the meeting being through remote means including (but not limited to) video conferencing, teleconference, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- 23.12 If the Chair is made aware that the meeting is not accessible to the public through remote means due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately for the connection to be restored. If the provision of access through remote means cannot be restored within fifteen minutes, the remaining business will be considered at a time and

date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

### **Members in Remote Attendance**

23.13 A member in remote attendance is present and attends the meeting, including for the purposes of the quorum, if at any time both of the following conditions are satisfied, those conditions being that the member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be heard and, where practicable, be seen by, the other members in attendance.
- (ii) to be heard and, where practicable, be seen by any other members of the public attending the meeting.

23.14 Attendance at the meeting will be recorded by a Democratic Services Officer and a member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained above are not met.

### **Questions and Representations by members of the public**

23.15 There will be speaking rights for members of the public or their representatives at remote meetings in accordance with the provisions of the Council Standing Orders.

23.16 Members of the public will be able to participate in remote meetings in the following ways:

- Questions, representations and petitions should be submitted in advance of the meeting and will be made available to all members of the remote meeting by Democratic Services.
- Questions for Council and Committees (with the exception of Development Control Committee and Licensing Panel must be received by no later than 12 noon, 2 clear working days before the day of the meeting. Such notice must be by electronic mail to [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk).
- Representations for Development Control Committee should be received by 12 noon 1 clear working day before the day of the meeting, exceptionally, the Council will consider late representations if appropriate.

- Representations for Licensing Panel may be submitted prior to the meeting, but applicants and their representatives will make oral submissions to the committee at their election.
- Members of the public or their representatives will be able to present their questions, or petitions to Council and Committees (with the exception of Development Control Committee and Licensing Panel) in the remote meeting.
- Public questions will, where appropriate, receive a response in the meeting. No supplementary questions will be permitted.
- Public petitions not referred to an officer in accordance with Council Standing Orders will be received by the Chair of the meeting without debate and sent to the relevant committee or council officer for a response.

### **Process at remote meetings**

23.17 The Chair will confirm at the outset and at any reconvening of a committee meeting that they can see and hear all participating members by carrying out a roll call of members present (this is unlikely to be practical for a meeting of full council).

23.18 Unless the member has declared an interest which precludes them from taking part, their attendance at the meeting must be continuous throughout the item and will be monitored and recorded by the Democratic Services Officer.

23.19 The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a remote meeting. In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate and (Subject to Paragraph 23.20):

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be a maximum of fifteen minutes, to allow the connection to be re-established after which time the meeting will be abandoned and any remaining items adjourned to the next meeting.

23.20 If there is a disruption to any members attendance due to the quality of internet connection, the Chair will, initially, pause the meeting for up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is

not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate.

- 23.21 In the event of a connection failure, the member(s) will be deemed to have left the meeting at the point of failure. If the connection is successfully re-established, then the remote member(s) will be deemed to have returned at the point of re-establishment.
- 23.22 If a connection to the Chair is lost, the Vice Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, the Vice Chair will proceed with the meeting in the absence of the Chair. If the connection to both the Chair and Vice Chair is lost, the committee will wait for a period of five minutes and, if the meeting is still quorate, will elect a Chair Pro Tem. If connection to the Chair or Vice Chair is restored, they will take control of the meeting at the end of the item being discussed.
- 23.23 If a connection to a member is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, subject to the meeting being quorate, the meeting will proceed, but any member who has been disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.
- 23.24 The Chair will follow the normal rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content of speeches in the normal way.
- 23.25 Members will be able to indicate to the Chair that they wish to ask a question or speak in the debate on an item by raising their hand physically, by using the raise hand function or by sending a message via the chat facility.
- 23.26 In respect of large committees, it will assist the meeting if those members who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Democratic Services Officer in advance of the start of the meeting. Political groups are also encouraged to co-ordinate this activity wherever possible.

### **Meeting Etiquette**

- 23.27 Members are asked to adhere to the following etiquette during remote attendance at a meeting:

- Committee members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and the Democratic Services Officer the opportunity to test the equipment.
- Elected members and any members of the public who are to speak at the meeting will initially enter the waiting room and will be admitted to the meeting by the Chair.
- All entrant microphones will be muted on entry.
- Any video-feed should show a non-descript background with no background noise where possible.
- Members should be careful not to allow exempt or confidential papers to be seen in the video-feed.
- To enable identification for the public in the remote meeting and to gain access from the 'waiting room', members must log in using the username provided to them by Democratic Services.
- All members should have microphones muted when not talking unless they have joined with audio only (e.g. telephone).
- Members will unmute their microphone when the Chair invites them to speak and then mute their microphone when they have finished speaking.
- The chat facility must not be used for private conversations between members and will be mindful that if they select 'everyone' all participants in the meeting will be able to see what they write.
- Members should only speak when invited to by the Chair and only one person may speak at any one time.
- For the benefit of anyone listening to an audio feed, anyone speaking should state their name before making a comment.
- When referring to a specific report, page, or slide, members should mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.

23.28 The Chair and / or the Democratic Services Officer may:

- Pause (adjourn) the meeting by taking down the stream (live feed) from public viewing and then resume it when needed and / or placing everyone in the waiting room.
- Switch on each active participant's microphone when they are invited to speak and switch them off afterwards.
- Mute someone speaking at any time.
- Mute everyone speaking except themselves at any time.
- Allocate different levels of access to people logging in based upon whether they are a councillor, an officer, or a member of the public or press who is an observer of the meeting.
- Switch some observers off or move observers to a 'waiting room', so they are paused and have neither 'live' visual or audio feed whilst the



committee deliberates in private or an officer present gives the committee advice. By taking down the live feed content from the public and just displaying a holding slide, decision makers may hold a separate meeting. The live stream can then be resumed when needed.

### **Voting**

23.29 When the Chair is satisfied that there has been sufficient debate and there is a proposer and seconder, who will indicate by showing their hand on the video or speaking if on an audio feed, for the item being discussed the Chair will progress to a decision.

23.30 The method of voting may be one of the following methods:

- A vote by electronic means or
- A role call where the Chair or Democratic Services Officer will call out the name of each member present with members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called.

23.31 At the conclusion of the voting the Chair shall announce the numbers of votes cast for, against and abstentions and announce whether the motion has been passed or lost.

23.32 Details of how members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask members in turn to signify verbally whether or not they support that request.

### **Declaration of Interests**

23.33 Members will declare interests in the normal way at the appropriate point in the meeting, or if they realise that they have an interest in the item under discussion.

23.34 Any member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting.

23.35 The Chair will place the member into the waiting room whilst the matter is considered and their departure will be confirmed by the Democratic Services Officer before progressing with the item of business. The Chair will then allow the member to re-enter the meeting from the waiting room when the matter has been determined and before moving onto the next item of business.

# **STROUD DISTRICT COUNCIL**

## **PROTOCOL FOR MEMBER & OFFICER RELATIONS**

**PROTOCOL FOR MEMBER & OFFICER RELATIONS**

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***“Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council. Councillors provide a democratic mandate to the council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors. The roles are very different but need to work in a complementary way”<sup>1</sup>***

## **PURPOSE AND STATUS**

1. The purpose of this Protocol is to guide members and officers in their relations with one another to ensure the smooth running of the Council. The overriding principle is for members and officers to recognise and respect one another's different roles and responsibilities. It seeks to maintain and enhance the integrity of local government which demands the highest standard of personal conduct.
  - 1.1 Given the variety and complexity of relations, this Protocol does not seek to be prescriptive or comprehensive but instead offers guidance on some of the situations which most commonly arise. It is expected that the approach it suggests can be adapted to any situation.
  - 1.2 The Protocol reflects the Nolan Principles underlying the Codes of Conduct for Councillors and Officers which are; that they are not only followed, but are seen to be followed. The partnership between members and officers should be based upon mutual trust and respect and all should aspire to the highest standards of ethical behaviour. Compliance with this Protocol is critical to meeting this aspiration.
  - 1.3 This Protocol, whilst not legally binding, will be relevant in judging compliance with the Codes of Conduct. A breach of the provisions of this Protocol may also constitute a breach of the Member and Officer Codes.
  - 1.4 Compliance with the Protocol will ensure that all members are able to receive objective and impartial advice from politically independent staff who are not subjected to any undue influences.
  - 1.5 The principles of this Protocol apply to all interactions between members and officers, including the use of Social Media.

## **THE MEMBER/OFFICER RELATIONSHIP GENERAL PRINCIPLES**

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<sup>1</sup> Local Government Association - A councillor's workbook on effective councillor/ officer relationships  
[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor\\_x3A\\_officer%20relationships\\_v03.pdf](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x3A_officer%20relationships_v03.pdf)

2. At the heart of this Protocol is the importance of mutual respect, trust and confidence between members and officers of the Council. This is essential to good local government and will generate an efficient and unified working organisation.
- 2.1 Dealings between members and officers should observe reasonable standards of courtesy and show mutual appreciation of the importance of work / life balance. Neither party should seek to take unfair advantage of their position or exert undue influence on the other.
- 2.2 Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve only as long as their term of office lasts. Officers are responsible to the Council as a whole; their job is to give advice and to carry out the Council's work under the direction and control of the Council and its Committees.
- 2.3 Whilst the duties and responsibilities of members and officers are different, both are bound by the same framework of statutory powers and duties. It is fundamental to the efficient and effective operation of the Council that both understand the boundaries of their respective roles and that neither asks the other to step beyond those limits.
- 2.4 It is not the role of members to control the day to day management of the Council and they should not seek to give instructions to officers other than in accordance with the terms of reference of their committee.
- 2.5 Members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council.
- 2.6 Members and officers must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under the Code of Conduct, when reaching decisions, to have regard to advice given by the Section 151 Officer or Monitoring Officer when they are discharging their statutory duties.
- 2.7 Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change their professional advice.
- 2.8 Members are not prevented from discussing issues with officers or promoting a particular point of view. Whilst officers will consider the views / advice of members they are not, in any way, compelled to provide advice which coincides with the member's view or preferred position. Any unreasonable requests by a member to an officer to change their professional recommendation will constitute unacceptable undue pressure which is not permissible.

- 2.9 All members and officers have certain basic responsibilities and obligations. There are, however, some members and officers who, either because of statute, tradition or decisions of the Council, have extended roles and additional responsibilities. Some Members hold positions of responsibility such as the Leader and Group Leaders, the Chair and Vice Chair of Council, Chairs and Vice-Chairs of Committees/Working Groups. The Statutory Officers are the Head of Paid Service (Chief Executive), the Finance Officer (Section 151 Officer) and the Monitoring Officer. Their roles are defined by statute and within the Council's Constitution.
- 2.10 As a matter of general principle, members and officers will:
- Deal with one another without discrimination
  - Observe normal standards of courtesy in their dealings with one another
  - Not take unfair advantage of their position
  - Promote a culture of mutual respect
  - Communicate clearly and openly, avoiding ambiguity and opportunities for misunderstandings
  - Work together to convert the Councils core values and priorities into practical policies for implementation for the benefit of the District
  - Observe any advice relating to publicity during the pre-election period
  - Refer any observed instances of inappropriate behaviour as necessary
  - Respect each other's free time
- 2.11 Members must not be personally abusive to, or derogatory of officers in any correspondence, or during any meeting or discussion, in particular when this takes place in public, whether or not that individual is in attendance. Officers will likewise treat members with respect at all times.
- 2.12 Members should not criticise or raise matters relating to alleged conduct or capability of an officer at meetings of the Council, Committee or any other public forum (including on Social Media). This is a long standing tradition in public service as an officer has no means of responding to criticisms in public.
- 2.13 Officers should not raise with a member matters relating to the conduct or capability of another officer or to the internal management of a department in a manner which is incompatible with the overall objectives of this Protocol.
- 2.14 Nothing in this Protocol shall prevent an officer making a protected disclosure under the Whistleblowing Policy.
- 2.15 If an officer feels that they have been treated improperly or disrespectfully they should raise the matter with the relevant Strategic Director or the Chief Executive as appropriate. In these circumstances, the Chief Executive or

Strategic Director will take appropriate action, including approaching the member concerned, and raise the issue with the Group Leader (if applicable) or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.

- 2.16 Whilst normal, friendly working relationships between members and officers are to be encouraged, close personal familiarity or personal contact of an inappropriate nature between individual members and officers can harm the relationship. This can also prove embarrassing to other members and officers and can damage the public perception of the integrity and objectivity of the organisation so should be avoided.
- 2.17 Relationships should never be allowed to become so close, or appear to be close that the ability of an officer to deal impartially with other members or Political Groups is questioned. Both members and officers will need to be aware of the potential for conflicts of interest and take steps to either avoid or mitigate the position. The Monitoring Officer should be consulted in these circumstances.
- 2.18 Political Group Leaders should promote a positive atmosphere of trust, respect and understanding between members and officers and must be prepared to deal with and resolve any reported incidents of breaches of this Protocol by their Political Group Members. In the event of a complaint being made to them under this Protocol, a Political Group Leader will seek to actively consider the complaint and achieve a satisfactory outcome. The outcome must be reported to the Officer who notified them of the complaint.

## **ROLE OF MEMBERS**

3. Collectively, members are the ultimate policy makers determining the core values of the Council and approving the policy framework, strategic plans and budget. Their role is complex, requiring them to act simultaneously in the following capacities:-

*As Council / Committee Members* – Members will provide leadership and take responsibility for the authority's decisions and activities. Members have responsibility for the performance, development, continuity and overall wellbeing of the organisation as well as overseeing governance.

*As Representatives* – Members are community leaders who interpret and express the wishes of the electorate and are accountable to the electorate for service priorities, allocation of resources and ultimate performance. The Member represents the interests of their Ward and is an advocate for their constituents.

*As Politicians* – Members may belong to a Political Group represented on the Council and, if so, may express political values and support the policies of the

Group to which they belong.

### 3.1 Officers can expect members to:-

- Provide political leadership and direction.
- Initiate and develop policy to be put before Council or Committees.
- Work in partnership understanding and supporting their respective roles, workloads and pressures.
- Take corporate responsibility for policies and other decisions made by the Council.
- Prepare for formal meetings by considering all written material provided in advance of the meeting.
- Leave day to day managerial and operational issues to officers.
- Adopt a reasonable approach to awaiting officers timely responses to calls / correspondence.
- Not demand urgent responses to correspondence / calls unless the subject matter is deemed by the officer to be urgent. Any dispute as to urgency should be referred to the officer's manager.
- Not send emails to multiple officers regarding the same issue, instead utilising one point of contact where possible.
- Use their position with officers appropriately and not seek to advance their personal interests or those of others to influence decisions improperly.
- Respect the dignity of officers and not engage in behaviour which could be reasonably regarded as bullying or harassing in nature.
- Have regard to the seniority and experience of officers and equally having regard to the potential vulnerability of officers at junior levels.
- Will not request officers to undertake work not sanctioned at or by the Committee or by Group Leaders.

3.2 It is permissible and sensible for members to seek straightforward factual information from officers, and to seek the views of appropriately qualified officers as to technical or professional matters. However, if there is anything contentious or relates to a matter requiring a complex opinion or value judgement, this should be directed to the relevant Strategic Director or Chief Executive. Democratic Services are happy to signpost members to the correct area as necessary to ensure that queries are resolved.

3.3 When serving on the Council's Development Control Committee or Community Services and Licensing Committees, members must observe the Planning Code of Conduct and any guidance or protocols adopted in relation to the licensing system.

3.4 Whilst members should always act in the public interest, there is nothing preventing them as politicians, from expressing the values and aspirations of the Political Group to which they belong.



- 3.5 As a matter of courtesy, it is expected that members involved in an issue in another member's ward will speak with the relevant ward member(s) to inform them of their involvement.

## **ROLE OF OFFICERS**

- 4.1 In broad terms officers have the following main roles:

- Set and implement strategies to deliver Council policy and further the Council's priorities
- Day to day operational management of the organisation.
- Implement decisions of the Council which are lawful and which have been properly approved.
- Give members advice on issues and the business of the Council to enable them to fulfil their roles. In doing so, officers will take into account all relevant factors and demonstrate political sensitivity.
- Manage the services for which they have been given responsibility within the framework of responsibilities given to them under the Scheme of Delegation
- Be accountable for the efficiency and effectiveness of the services in which they work and to demonstrate proper / professional practice in discharging their responsibilities.
- Provide advice on changes in government policy for which the Council is responsible.
- Provide professional advice on industry innovation, scientific development which may assist the council in delivering services.
- Provide professional advice on innovations by other councils which may be adopted by this council to improve service delivery.
- Be professional advisors to the Council, its political structures and members in respect of their service - as such, their professionalism should be respected.
- Initiate policy proposals in line with national government requirements or council agreed priorities as well as implementing the agreed policies of the Council.
- Ensure that the Council always acts in a lawful manner and does not engage in maladministration.
- Officers may only support members in their role within the Council and must not engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on some officers involvement in political activities

- 4.2 Members can expect officers to:

- Undertake their role in line with their contractual and legal duty to be impartial.
- Exercise their professional judgement in giving advice and not be influenced

- by their own personal views.
  - Have an appreciation of the political environment in which they work and demonstrate political sensitivity.
  - Assist and advise all parts of the Council, officers must always act to the best of their abilities in the best interests of the authority and the residents of the district.
  - Be alert to issues which are, or are likely to be, contentious or politically sensitive and to be aware of the implications for members, the media or other sections of the public.
  - Maintain due confidentiality.
  - Behave in a professional manner and comply with the Officer Code of Conduct.
  - Be helpful and respectful to members.
  - Respond in a timely manner to telephone calls, email correspondence etc.
- 4.3 Officers are accountable to the Chief Executive, Strategic Director, Head of Service or Operational Manager and whilst Officers should always seek to assist any member, they should not go beyond the limit of the authority given to them by their manager.
- 4.4 In their dealings with the public, officers should be courteous and act with efficiency and timeliness.
- 4.5 In advising members of the Council, officers should be able to give honest and impartial advice without fear or favour from members. Officers must serve all members, not just those of any majority Political Group, and must ensure that the individual rights of all members are respected. The support provided by officers can take many forms, ranging from briefing an individual member on a particular issue to, on occasions, a presentation to the Council.
- 4.6 Subject to Paragraph 2.14 (Whistle blowing), officers should respect a member's request for confidentiality when dealing with any legitimately delicate matter and members should respect an officer's request that a matter be kept confidential. Where confidentiality is requested, any written reply to a member should not be copied to any other member without the original member's permission, or in order to comply with an unavoidable legal or professional obligation.
- 4.7 An officer shall not discuss with a member personal matters concerning him / herself or another individual employee. This does not preclude officers or members asking after a colleague's wellbeing. This does not prevent an officer as a constituent raising, on a personal basis and in their own time, a private matter with his / her Ward Member without using the Council email system.

## **OFFICERS ATTENDANCE AT POLITICAL GROUP MEETINGS**

- 4.8 In order to ensure that political neutrality is not compromised, officers must not, in their capacity as Council employees, attend meetings of Political Groups unless specifically authorised by the Chief Executive. Any request for officer support should be made to the relevant Strategic Director or Chief Executive in advance of any meeting. Officers have the right to refuse such requests and will not normally attend a meeting where some of those attending are not members of the Council on the basis that the Code of Conduct does not apply to persons other than members.
- 4.9 Any support should be made available to all Political Groups if requested. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of Political Group business. Officers must not be present at meetings when matters of Political Group business are to be discussed. Where a Political Group shares alternative proposals for advice, e.g. the budget, the officer should treat this as confidential.
- 4.10 Where officers provide information and advice to a Political Group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or the Council when the matter in question is considered.

## **THE COUNCIL AS EMPLOYER**

- 4.11 Officers are employed by the Council as a whole. Members roles are limited to the appointment of specified senior posts in accordance with the Staff Employment Procedure Rules and should not act outside these roles.
- 4.12 If participating in the appointment of officers, members should:
- Remember that the sole criteria is merit
  - Never canvass support for a particular candidate
  - Not take part where the candidate is a close friend or relative
  - Not be influenced by personal knowledge of candidates
  - Not favour a candidate by providing them with information not available to other candidates

## **OFFICER RELATIONSHIPS WITH CHAIRS/VICE CHAIRS, POLITICAL GROUP LEADERS AND LEAD AND SUPPORT MEMBERS**

- 4.13 Chairs of the Council / Committees / Working Groups (and Vice-Chairs in their absence) must:
- Chair meetings impartially

- Give all Members equal right to speak
  - Manage meetings to ensure that the business is transacted efficiently but fairly
  - Ensure that officers are given every opportunity to give their professional advice to the meeting.
- 4.14 A Committee Chair should routinely be consulted during the process of preparing an agenda for a forthcoming meeting. Chairs must recognise that, in some situations, for example, the statutory officers are under a duty to submit a report on a particular matter and no influence should be exerted on any officer to exclude an item from an agenda.
- 4.15 Prior to Committee Meetings (unless exceptions apply), the appropriate officers will meet informally with the Chair and Vice-Chair (Chair's Briefing) to discuss matters on the agenda, to deal with anything necessary to ensure the smooth running of the meeting and to enable specific issues to be highlighted for which officers and members may need to prepare prior to the meeting.
- 4.16 Senior officers, Political Group Leaders and Committee Chairs will agree mutually convenient methods of regular contact and will arrange informal meetings with Members when required. It would be usual for Committee Chairs and officers to actively involve other members in work plan meetings / agenda planning.
- 4.17 Senior officers (including the Head of Paid Service, Monitoring Officer and Section 151 Officer) have the right to present reports and give advice to Committees.
- 4.18 Whilst there may well be occasions where it will be appropriate for officers to maintain confidentiality, to avoid any perception of impartiality, officers must exercise care when dealing with Chairs, Vice-Chairs and Political Group Leaders to ensure that they are not provided with information that the officer is not prepared to make freely available to other members.
- 4.19 Subject to the rules on access to information set out below, officers shall provide members with the information necessary to enable them to effectively undertake their role as a Council spokesperson and ambassador.
- 4.20 Before any formal decisions are taken members will have regard to professional advice from officers.
- 4.21 Officers taking decisions under delegated powers must consider whether the relevant Political Group Leader, Committee Chair or Ward Member should be consulted based on the issue and taking into account political or corporate sensitivities (see below on consultation with Ward Members).

- Where the matter falls under the responsibility of that Chair's committee
  - Where the matter relates to that ward
- 4.22 Officers must also be prepared to justify how decisions taken under delegated powers contribute to the delivery of council policy and priorities when reasonably required to do so.
- 4.23 Where officers have delegated authority to take certain actions by a Committee in consultation with a member, it is the officer who takes the action and is responsible for it. A Political Group Leader or Chair has no legal power to take decisions on behalf of the Council or a Committee neither should he / she apply inappropriate pressure on the officer.

### **POLITICAL GROUPS AND OFFICERS**

- 4.24 There is statutory recognition for Political Groups and it is common practice for these groups to give preliminary consideration to matters of Council business in advance of them being considered by the relevant Council decision making body. At Stroud District Council, it is usual for independent members to be consulted on such matters where appropriate.
- 4.25 Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by political groups but must at all times maintain political neutrality.
- 4.26 The assistance provided by senior officers can take many forms ranging from a briefing meeting with a Political Group Leader, Chair or other members prior to a meeting, to a presentation to a full Political Group meeting. It is an important principle that assistance is available to all Political Groups and individual members. In their dealings with Political Groups and individual members, officers must treat them in a fair and even-handed manner.
- 4.27 Certain points must be clearly understood by members and officers alike who participate in these meetings:
- Officer assistance must not extend beyond providing information and advice in relation to matters of Council business.
  - It must not be assumed that an officer is supportive of a particular policy or view considered by a Political Group meeting simply because he / she has attended a meeting.
  - Officers must not be involved in advising on matters of party business. Internal party debates and any decisions on position should take place in the absence of officers.
  - Political Group meetings are not formal decision making bodies of the Council and are not empowered to make decisions on behalf of the Council.

- Where officers provide information and advice to a Political Group meeting in relation to a matter of Council business, this will not be a substitute for providing all necessary information and advice to the relevant Council decision making body.
  - The duration of an officer's attendance will be at the discretion of the Political Group but an officer may leave at any time if he / she feels it is no longer appropriate to be there.
- 4.28 Whilst officers will not normally attend Political Group meetings attended by persons who are not members, if they do so, special care will need to be exercised when providing information and advice. Non-members are not bound by the Code of Conduct, in particular, the provisions concerning the declaration of interests and confidentiality.
- 4.29 Officers must respect the confidentiality of any Political Group discussions they are part of and should not pass on information to other Political Groups. However, members should be aware that this does not prevent officers from disclosing information to other officers of the Council as far as is necessary to perform their duties. If there are any particular cases of difficulty or uncertainty in this area, they should be raised with the relevant Strategic Director or Chief Executive who will discuss them with the relevant Political Group Leader(s).
- 4.30 Officers accepting an invitation to the meeting of one Political Group shall not decline an invitation to advise another group about the same matter and must give substantially the same advice to each.
- 4.31 No member will refer in public or at meetings of the Council to advice or information given by officers to a Political Group meeting.

### **WARD MEMBERS AND OFFICERS**

- 4.32 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.
- 4.33 This requirement is particularly important:
- During the initiation and formative stages of policy development, where practicable;
  - In relation to significant or sensitive operational matters
  - Whenever any form of public consultation exercise is undertaken.
- 4.34 Where issues have a wider impact than a single ward, a number of local members will need to be kept informed.

- 4.35 In dealing with Town or Parish Councils, officers should consider whether there is a need for Ward members to be copied into any correspondence for information. Likewise, officers may advise Town and Parish Councils to ensure that Ward members are provided with information relative to their role. This will need to be considered on a case by case basis to avoid creating an unnecessary administrative burden on officers.
- 4.36 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.
- 4.37 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(s). Special care must be exercised during a pre-election period and officers and members must comply with the legal requirements around publicity at all times.
- 4.38 Whilst support for members' ward work is legitimate, care should be taken if officers are asked to accompany members to ward surgeries. In such circumstances the surgeries must be open to the general public, and to avoid any perception of impartiality, officers should not be requested to accompany members to surgeries held in the premises of political parties.
- 4.39 Save for matters relating to electoral processes, Officers must never be asked to attend ward or constituency political party meetings.
- 4.40 It is acknowledged that some Council staff, e.g. those providing dedicated support to members 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.
- 4.41 In seeking to deal with constituents' queries or concerns, members should assess the priority of the issue and not seek to jump the queue and 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.

## **ACCESS TO INFORMATION**

5. Members may approach officers to provide them with such information, explanation and advice about their functions and responsibilities as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

- 5.1 As a starting point members have the same rights to any information held by the Council that ordinary members of the public have under the Freedom of Information Act 2000. As regards the specific legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by common law. The common law right of members is based on the principle that any member has a prima facie right to inspect Council documents "*so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council*". This principle is commonly referred to as the "need to know" principle and can only be outweighed, in exceptional cases, on the grounds of demonstrable public interest.
- 5.2 The exercise of this common law right depends on the member's ability to demonstrate that he/she has the necessary "need to know". A member has no right to "a roving commission" to go and examine documents. Mere curiosity is not sufficient. The question whether the member has the need to know must initially be determined by the Strategic Director of the Service that holds the document in question (with advice from the Monitoring Officer in light of current case law and practice). In the event of a dispute, the question falls to be determined by the Chief Executive in consultation with the Leader, Group Leader or relevant Committee Chair in connection with whose functions the document is held. Whilst it is unlikely to get to this position, the question can ultimately be determined by a decision of the Court.
- 5.3 In some circumstances (e.g. a Committee member seeking access to a document relating to the functions of that Committee, or where the information being sought is not sensitive or confidential) a Councillor's need to know will generally be presumed.
- 5.4 This presumption can be rebutted if there are reasonable grounds to suspect that the Councillor is seeking to access the information for purposes unrelated to his / her public duties as a Councillor (e.g. for personal gain or solely for party political purposes). In other circumstances (e.g. a member who is not a member of the relevant Committee, wishing to access documents containing personal information about third parties or sensitive information about contracts or property transactions) a Councillor will normally be expected to justify the request in specific terms.
- 5.5 Access may properly be refused if the reasons for inspecting any documents are considered to be improper, indirect or ulterior, or are inconsistent with the Council's interests. Examples of such circumstances are where a member:
- Has a private, professional or business interest in the information;
  - Has a disclosable pecuniary interest in the matter to which the document relates



- Has taken up, or is considering taking up, support of a person or body which is hostile to the Council in Court proceedings or at Inquiries.
- 5.6 Councillors have a statutory right to inspect any document in the Council's possession or control *which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting*. This right applies irrespective of whether the Councillor is a member of the Committee or Sub-Committee concerned and extends, not only to reports that are to be submitted to the meeting, but also to any relevant background papers as listed in the report. This right does not however apply to documents relating to certain confidential items, although the Council's practice is to allow all Councillors, on request, to be supplied with any Council and Committee agenda papers for information.
- 5.7 Where a request will require the devotion of a significant amount of staff resources to identify and collate information which is considered to be of marginal benefit, the request for information may be refused.
- 5.8 Any confidential or exempt information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties. A member must never disclose confidential or exempt information to anyone who is not themselves entitled to that information without the consent of the appropriate person. Improper disclosure of confidential information may constitute a breach of the Code of Conduct.
- 5.9 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where it is necessary to copy the correspondence to another member, (for instance where the Monitoring Officer considers this course of action is necessary to comply with the rules of natural justice), this should be made clear to the original member. In other words, a system of 'silent' or 'bcc' copies should not be employed.
- 5.10 Official letters on behalf of the Council should normally be sent in the name of the appropriate officer, rather than in the name of a member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of the Leader. Letters which, for example, convene formal meetings, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a member.
- 5.11 When writing in an individual capacity as a ward member, a member must avoid giving the impression that he/she is writing on behalf of the Council.
- 5.12 In order to properly to perform their duties, members are deemed to have the need to remain present during public meetings of the Committees of the Council

notwithstanding that such bodies have resolved to exclude the public in order to prevent the disclosure of confidential or exempt information.

- 5.13 A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information where to do so is likely to be in breach of the Data Protection Act, or where the subject matter is one in which he/she has a disclosable pecuniary interest, other personal interest as defined in the Code of Conduct.
- 5.14 It is an accepted convention that a member of one political group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another political group.
- 5.15 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it in writing, or unless required by law to do so.
- 5.16 Unless disclosure is required under the Freedom of Information Act 2000, officers will keep members' inquiries and any responses confidential.
- 5.17 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

## **MEDIA RELATIONS**

- 5.18 All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
- 5.19 Press releases or statements made by officers must be made through the Corporate Communications team and should only promote or give information on Council policy or services. Any comment will be factual and consistent with Council policy. The Council cannot lawfully use press releases to be used to promote a party group. Group Leaders and Chairs of Committees can ask for press releases to be issued, and can be quoted in them, as long as they are clearly acting in accordance with their delegate responsibilities or on behalf of their Committee.
- 5.20 Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 5.21 If a member is contacted by, or contacts, the media on an issue, he/she should:
  - If necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Corporate Communications team

and/or relevant senior officer(s), except in relation to a statement which is party political in nature;

- Indicate in what capacity he/she is speaking
- Be sure that they make it clear that they are speaking in line with agreed council policy or that this is their personal view
- Be sure of what he/she wants to say or not to say
- Consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, and allegations / jumping to conclusions)
- 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
- Consider whether to consult other relevant members
- 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 – in these circumstances, no Council resources may be used.

## **ACCESS TO PREMISES**

- 5.22 Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 5.23 Members have a right of access to Council land and premises to fulfil their duties unless they have been properly prevented from doing so as a result of a finding of a breach of the Code of Conduct. Members cannot be prevented from attending meetings they are entitled to attend such as Committees or Council.
- 5.24 When making visits as individual members, members should:
- Whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge, particularly if out of normal office hours;
  - Comply with health and safety, security and other workplace rules including wearing their SDC ID badge
  - Not interfere with the services or activities being provided at the time of the visit
  - Take special care at establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

## **USE OF COUNCIL RESOURCES**

- 5.25 If any support service is provided to members it should not be used for private purposes or in connection with party political or campaigning activities. Any such use would be a breach of the Code of Conduct.

- 5.26 Accommodation, equipment, and other forms of support will be provided in accordance with approved arrangements. The Chief Executive is authorised to agree reasonable changes in the support provided to reflect changing needs and developments in available equipment.
- 5.27 Any mail sent on a Councillor's behalf will normally be dispatched by second class post.
- 5.28 Members should not ask officers to provide resources or support which they are not permitted to give. Examples are:
- Business which is solely to do with a political party
  - Work in connection with a ward or constituency party political meeting;
  - Electioneering;
  - Work associated with an event attended by a member in a capacity other than as a member of the Council;
  - Private personal correspondence;
  - Work in connection with another body or organisation where a members involvement is other than as a member of the Council
  - Support to a member in his/her capacity as a councillor of another local authority (Including Town and Parish Councils) other than as a representative of the Council.

## **COMPLAINTS AND ALLEGATIONS OF BREACHES**

6. Subject to the proviso that attempts should always be made by both officers and members to resolve complaints or concerns informally, if a member wishes to formally complain about the actions or failings of an officer, the member should lodge his or her complaint in writing to the relevant Strategic Director. If a complaint is against the Strategic Director, the complaint must be lodged in writing with the Chief Executive. If the complaint is against the Chief Executive personally, it must be lodged in writing with the Council's Monitoring Officer. The officer to whom the complaint is made will take appropriate action to resolve it and will notify the member of the Council who made the complaint of the action which has been, or is intended to be, taken to resolve it.
- 6.1 Should an officer have cause to complain about the actions or failings of a member, the officer should draw his/her concern to the attention of their line manager who will consider the matter and, acting through the appropriate Strategic Director, will seek to resolve the issue with the member concerned or, if this is not possible, the member's Political Group Leader.
- 6.2 If the complaint is against a Political Group Leader then it should be referred to the Chief Executive who will decide the best course of action.

- 6.3 The member to whom the complaint has been made, will deal with it and will notify the officer making the complaint of the action which has been, or is intended to be, taken to resolve the complaint.

### **MEMBERS ACTING AGAINST THE COUNCIL**

- 6.4 As part of their constituency work, members will naturally assist their constituents in their dealings with the Council. This may include for example, making representations, giving evidence and assisting residents with matters such as planning, housing or licensing appeals. This section is intended to cover those rare situations where a member is acting in a professional capacity or in their status as resident in relation to their dealings with the Council.
- 6.5 If a member is about to act in a professional or private capacity against the Council, he/she must notify the Monitoring Officer in writing. This applies to any action by a spouse/partner, associate, employer or by a company in which the member has an interest. This provision also applies to co-opted members for matters which are within the responsibility of the Committee on which they serve.