

# MEMBER/MEMBER RELATIONS PROTOCOL

Given the variety and complexity of relationships amongst Members, the opportunity has been taken to introduce a Protocol on Member/Member Relations. This Protocol does not seek to cover everything or be prescriptive in its application. General guidance is offered on some of the issues that most commonly arise or cause concern. It is hoped, therefore, that the approach which this Protocol adopts will serve as a guide to dealing with other issues that may arise from time to time.

Adopted 29 July 2004

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## A INTRODUCTION

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1. This Protocol seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If any Member is unsure about any matter, s/he should contact their Group Leader and/or the Monitoring Officer for appropriate advice and assistance.

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## B GENERAL MEMBER/MEMBER ISSUES

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2. The opportunity is taken to **reinforce** the following points:-
  - (i) In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the key guiding principle for Members has to be one of “engendering mutual trust, openness, honesty, fairness, transparency and treating everyone with respect”;
  - (ii) Political Group meetings, whilst they perform an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the Council and, as such, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that Members understand and interpret such decisions accordingly;
  - (iii) In accordance with the Constitution, political group meetings should not be held prior to meetings of the following:-
    - ❖ Licensing Panel
    - ❖ Development Control Committee
    - ❖ Audit and Standards Committee
  - (iv) Any breach of this part of the Protocol by a Member should be brought to the attention of the relevant Group Leader or, if appropriate, the Chair of Council for consideration.

### **Legal and District Audit Considerations:**

3. Members of the Council do not, as elected members, have any special immunity from civil or criminal wrongs that they may commit against fellow Members, Officers or members of the public. Members must abide by Stroud District Council's Code of Conduct for Members and ensure they do not, for example, slander or libel another person.
4. During the course of their normal duties for the Council, Members will, therefore, only have a qualified (not absolute) protection against prosecution or civil action. This means that in any proceedings Members would have to show that their comments were made in good faith, had justification and were not made out of malice. Anyone can bring private civil litigation proceedings against an elected member.

### **Public Relations Issues:**

5. The Council's Communications Manager is responsible for dealing with the press and other media organisations on behalf of the Council. It is important, therefore, that all official communication relating to the Council (but not party political or private matters) is dealt with by them, so as to ensure the proactive, effective and efficient management of the Council's public image, relations and interface.

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## **C. SPECIFIC POINTS ON MEMBER/MEMBER RELATIONS**

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6. The relationship between Members and Members is generally characterised by mutual trust, openness, fairness, transparency, respect and courtesy. These are **essential** for good local government and serve to enhance local democracy. The use of inappropriate language or behaviour and conduct of Members could result in legal action against the Council and the Member(s) concerned
7. Members must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to the breakdown of mutual trust, respect and courtesy in Member/Member relations.

### **Equality Issues:**

8. The Council has statutory duties with regard to equality issues and, in accordance with Stroud District Council's Code of Conduct for Members, Members must also promote equality by not discriminating against others. Members shall not, therefore, by their behaviour or speech act in a discriminatory way with regard to, for example, a person's gender, race, disability, religion, ethnicity, nationality or sexual orientation.

### **Conduct or Capability Issues:**

9. Members should not raise matters relating to the conduct or capability of a Member (or of Members' collectively) at meetings held in public or before the Press in a way which is likely to bring the Council into disrepute, as responding in the same manner in public does not project a positive perception of the Council and should be avoided. If any Member feels that s/he has not been treated with the proper mutual trust, respect or courtesy, or has any concern about the conduct or capability of a fellow Member, s/he should raise the matter, in private, with the relevant Group Leader of the political group concerned.

### **Unacceptable or Inappropriate Behaviour:**

10. When attending meetings of Stroud District Council the Chair of the meeting shall ensure that Members are not questioned (whether through the nature, tone or language used), in such a manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, victimising, discriminatory or otherwise unacceptable or inappropriate behaviour by a Member.
11. Any allegation of unacceptable or inappropriate behaviour by a Member will be reported to the Leader of the relevant Political Group or, if appropriate, the Chair of Council for consideration.

### **Resolving Disputes**

12. In order to avoid escalation of any situation, once any possible breach has been reported to a Group Leader or the Chair of Council, or in his/her absence the Vice-Chair of Council, the situation will be investigated within ten working days. The investigation will ascertain the facts and every effort will be made to resolve the dispute between the Members concerned. Mediation will be offered where appropriate to assist in resolving the dispute.
13. Any sanctions to be applied will be determined by the relevant Group Leader, or in the case of Members who are not part of a political group by the Chair of Council.