

## PART 5

# CODES AND PROTOCOLS

- Protocol on Public Address at Planning Committee
- Members' Code of Conduct
- Code of Conduct for Employees
- Protocol on the relationship between Members and Officers
- Members' Protocol on Gifts and Hospitality
- Members' Allowances Scheme
- Protocol on decisions to be taken by Executive Members
- Management structure
- Petition Scheme

## PROTOCOL ON PUBLIC ADDRESS AT PLANNING COMMITTEE

This Protocol is designed to allow the public to express their views, either in support of, or objecting to particular planning applications being considered by the Planning Committee. There will be a period for members of the public to address the Committee for up to a maximum of 40 minutes in total. This will include 20 minutes for objectors and 20 minutes for supporters in relation to each application. There is a limit of five people from each side, each speaking for four minutes.

This Protocol does not give an open invitation to raise matters not on the Committee agenda. However, the Constitution of the County Council includes the right to submit written questions to the Committee and ask oral questions (at the discretion of the Chair) about matters that are covered by the Terms of Reference of the Committee but the period allotted for this purpose is a maximum of 30 minutes. The Protocol does not impinge on that right.

In order to assist the administration of the meeting, people wishing to address the Planning Committee will need to contact the Senior Democratic Services Officer on 01452 324206 or email [andrea.griffiths@gloucestershire.gov.uk](mailto:andrea.griffiths@gloucestershire.gov.uk) at least 24 hours before the relevant meeting. Details of how to do so are set out below:

### 1. Notification of the wish to speak

- 1.1 The County Council advertises planning applications received by a variety of methods, such as newspaper advertisements, site notices and letters to individuals. Anyone who responds to the Authority about an application will be notified of their right to address the Committee. District Councils and Parish/Town Councils/Meetings will be notified that only the relevant District or Parish local Councillor (or their pre-stated representative) is invited to speak on an application being considered by the Committee.
- 1.2 The local Councillor of the relevant District and/or Parish/Town Council/Meeting will be allowed a separate five minutes to address the Committee. The local Councillor will not be invited merely to allow the other Authority an additional forum in which to comment. The Councillor must be that Councillor representing the ward within which the application is situated or their pre-stated representative.
- 1.3 Anyone wishing to address the Committee must have registered with the relevant Democratic Services Officer (01452 324206 or email [andrea.griffiths@gloucestershire.gov.uk](mailto:andrea.griffiths@gloucestershire.gov.uk)) at least 24 hours before commencement of the Committee. Any person wishing to address the Committee must leave their name, address and telephone number to allow others wishing to speak to contact them (this is to ensure not everyone is wishing to make the same points). You must tell the Democratic Services Officer which application you wish to speak about.
- 1.4 The Democratic Services Officer will list the date and time each notification was received, including details of all persons who have asked to address the Committee and indicate which speakers fall within the allotted time period. The list will be available at the meeting.

2. Speaking Limits

2.1 People who have registered to speak (“Permitted speakers” see below) will be able, if they wish, to nominate another person to speak on their behalf or to combine their individual four minute slots to enable one person to speak for a longer period. Any individual will only be allowed to address the Committee for four minutes within the full 20 minutes allocated to objectors or supporters unless they are co-operating with another(s) permitted speaker. Where a number of individuals have co-operated and appointed a spokesperson and, where those individuals are also on the list of approved speakers, they may combine time.

For example:

The following 5 people have asked to address the Committee in respect of the same application:

Slot 1	0-4 minutes	>	A N Other
Slot 2	4-8 minutes	>	B N Other
Slot 3	8-12 minutes	>	C N Other
Slot 4	12-16 minutes	>	D N Other
Slot 5	16-20 minutes	>	E N Other

BAR .....

F N Other

The “**Permitted speakers**” are those in Slots 1-5. The names of any other people who indicate they wish to address the Committee will be held in case any of the “Permitted speakers” are unable to attend the meeting.

**F N Other** is unable to speak but they might contact another of the speakers and have some of their views incorporated by that person **BUT** the other speaker will not get extra time.

However, if **B N Other, C N Other and D N Other** decided that B N Other can speak for all three, this time would then become 12 minutes (3 x 4 minutes) and the list would then be:

Slot 1	0-4 minutes	>	A N Other
Slot 2	4-16 minutes	>	B N Other
Slot 5	16-20 minutes	>	E N Other

2.2 “Permitted speakers” may not introduce or refer to new written material, plans or photographs or audio/video recordings, which have not been in the public arena and supplied to the Authority at least three working days before the meeting. **The Chair has discretion to suspend any public speaking which introduces material evidence or is repetitious of previous speeches after giving warning to the individual concerned of the potential consequences.**

- 2.3 "Permitted speakers" may not record the meeting with any audio or video equipment. The only true record is that recorded as minutes by the Democratic Services Officer and ratified by County Councillors.
- 2.4 "Permitted speakers" may not ask direct questions of County Councillors or Officers. [Standing Orders already allow the submission of written and oral questions to the Committee. This Protocol does not affect your right to submit written questions before the meeting and ask oral questions at the start of the meeting by that route].
- 2.5 No person other than the County Councillors forming the Committee has the right to vote or enter into the debate.
- 2.6 No person should approach a Member of the Committee whilst it is in session to discuss with or pass information to a County Councillor.
- 2.7 There will be an aggregate time limit of 20 minutes for all persons to speak in support of the proposal and an aggregate time limit of 20 minutes for all persons speaking against the proposal [total time 40 minutes plus that allowed for any local District or Parish Councillor and the Applicant or their Agent].
- 2.8 For the purposes of this Protocol and assessing times within it, the basis of the Protocol is to allow up to 10 speakers four minutes each on a first come basis. The limiting factor of 40 minutes on public speakers is to ensure that the Committee is not unduly delayed. Therefore, 10 people addressing the Committee for only two minutes each will satisfy the spirit of the Protocol and would not mean that a further 10 minutes remains to be allocated to others.
- 2.9 In exceptional circumstances and where a matter has proved controversial to a large number of members of the public and those people have requested to address the Committee, an extension of time allowed may only take place where such is agreed by the Chair stating the additional period that is available and the reason for the deviation from this protocol recorded in the minutes of the Planning Committee.

### 3. Speaking in Sequence

Items will normally be addressed as follows:

- (i) The Planning Officer will describe the application, exceptional factors, any report from Sites Inspection meeting and the recommendation of the Planning Unit Manager;
- (ii) Objecting ["Permitted Speakers"] will address Committee for up to 20 minutes;
- (iii) Supporting ["Permitted Speakers"] will address the Committee for up to 20 minutes;
- (iv) The Applicant or their Agent will (if they wish) address the Committee for up to five minutes;
- (v) County Councillors will then ask questions of the Planning Officer who will respond and may also clarify any matters arising from the public address;

**THERE IS NO FURTHER INVOLVEMENT OF “PERMITTED SPEAKERS” AFTER THIS POINT IN THE PROCEEDINGS**

- (vi) Town/Parish Council representatives (if any) will address the Committee for five minutes;
- (vii) Relevant District Councillors will (if they wish to) address the Committee for five minutes;
- (viii) The Local County Councillors will (if they wish to) address the Committee; **AND**
- (ix) Members of the Committee will then debate and determine the application.

**4. Requirements for “Permitted Speakers”**

- 4.1 Permitted Speakers should try to arrive at the Council Chamber 15 minutes before the start of the meeting and they should make themselves known to the Democratic Services Officer. Where it is seen that there is substantial interest in one application, the Chair will often suggest to Committee, that item is taken early.
- 4.2 A list of “Permitted Speakers” will be displayed within the Chamber.
- 4.3 If a “Permitted Speaker” has nominated another person to speak for them that person should make the circumstances known to the Democratic Services Officer.
- 4.4 If a number of “Permitted Speakers” have elected a spokesperson to speak for them they should inform the Democratic Services Officer of this and whether they intend to use the full, aggregated time.
- 4.5 Having addressed the Committee, “Permitted Speakers” should take no further part in the proceedings; they should not attempt to contact/pass information to individual County Councillors or do anything, which could be construed as disruptive to the Committee or disruptive to other persons addressing or attending the Committee.

## Members' Code of Conduct

### Code of Conduct for Members and Co-opted Members Of Gloucestershire County Council

When acting in your capacity as a Member or Co-opted Member of Gloucestershire County Council, you must show regard to the following seven principles of public life:

**Selflessness; Integrity; Objectivity; Accountability; Openness;  
Honesty; Leadership.**

In practice this will mean:

1. **Promoting and supporting high standards of conduct** by embodying the principles of public life and leading by example.
2. **Acting solely in the public interest** by never using your position to give any advantage, or cause disadvantage to a person; or gain any financial or other material benefits for yourself, your family, friends or associates.
3. **Not compromising yourself and the County Council** by taking care to avoid financial or other obligations that individuals or organisations might use to try and influence how you perform your official duties.
4. **Making decisions based on merit** when considering public appointments, awarding contracts or putting individuals forwards for rewards and benefits.
5. **Fully co-operating with the County Council's scrutiny functions** to be publicly accountable for your actions and protect the reputation of the Council as a whole.
6. **Giving reasons for the decisions and actions you and the County Council take** in an open and honest way.
7. **Making sure that County Council resources are used appropriately** by not using them for political purposes yourself, or allowing people you have authorised to use equipment to do so. This will mean having regard for the County Council's various acceptable usage policies and any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
8. **Taking all necessary steps to resolve personal conflicts of interest** by declaring and registering your pecuniary and non-pecuniary interests using methods the County Council has provided, as well as removing yourself from positions of influence when an interest is apparent.

## Registering Disclosable Pecuniary Interests (DPIs)

Members and Co-opted Members must register the DPIs of their husband or wife, civil partner or any person that they are living with as husband or wife or civil partner, as if they are their own interests, when they know about them.

As defined in regulations made by the Secretary of State, pecuniary interests are set out in the statutory instrument which can be accessed via the following link:

[http://www.legislation.gov.uk/ukxi/2012/1464/pdfs/ukxi\\_20121464\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/1464/pdfs/ukxi_20121464_en.pdf)

1. You must register your DPIs with the Monitoring Officer within 28 days of being elected or appointed to office.
2. You must register your DPIs within 28 days of the Authority's Code of Conduct being adopted.
3. You must notify the Monitoring Officer of any changes in your DPIs within 28 days of becoming aware of them.
4. You must declare any un-registered DPIs at any meeting of the authority at which you are present, where a relevant matter is being considered.
5. You must register any DPIs declared at a meeting, within 28 days of the disclosing it.

You should register any suspected 'sensitive' interests with the Monitoring Officer, who will decide if they are 'sensitive' and if they should go on the public Register of Interests. 'Sensitive' interests are those which you suspect could lead to yourself or a connected person being subject to violence or intimidation.

You should be aware that not disclosing DPIs without a reasonable excuse is a criminal offence and could lead to investigation by the Police and your referral to the Director of Public Prosecutions.

## Registering Gifts and Hospitality

The County Council also requires you to register any gifts and hospitality worth £25 or more **you** have received with the Monitoring Officer.

1. You must register any gifts and hospitality with the Monitoring Officer within 28 days of being elected or appointed to office.
2. You must register any gifts and hospitality within 28 days of the Authority's Code of Conduct being adopted.
3. You must register any gifts and hospitality with the Monitoring Officer within 28 days of receiving them.
4. You must declare any gifts and hospitality at any meeting of the authority at which you are present, where a relevant matter is being considered.
5. You must register any gifts and hospitality declared at a meeting, within 28 days of disclosing it.

## The Effect of DPIs on Participation

1. Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest.

2. Unless a dispensation has been granted, you must withdraw from the room or chamber when a meeting discusses and votes on any matter in which you have a DPI.

## CODE OF CONDUCT

### INCLUDES CONFIDENTIAL REPORTING PROCEDURE (WHISTLE-BLOWING) FOR EMPLOYEES OTHER THAN FOR STAFF IN EDUCATIONAL ESTABLISHMENTS (FOR WHOM A SEPARATE CODE EXISTS)

1. This Code also applies to all people working within or on behalf of the County Council regardless of the contractual basis of the engagement, including: -
  - Direct employment by the council under a contract of employment
  - Secondments (both to and from the County Council);
  - Temporary assignments (both to and from the County Council), including Agency Workers, employees engaged through the council's Temporary Staff Service, Work Placements, Apprentices and Trainees;
  - Office holders
  - Employees acting on behalf of the council as members of companies or voluntary organisations.

References to “employee” and “staff” throughout this Code are taken to include all of the above categories and any similar working arrangements.

The Code also extends to additional and dual employment that has been secured as a result of working for local government.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than others – but the basic principles apply to everyone.

## INTRODUCTION

2. The purpose of this Code is to give all employees guidance on how the County Council and the public in general expect them to behave. If the Code is followed then staff should not find themselves in a situation where their conduct could create an impression of conflict of interest or corruption in the minds of the public. If staff are unsure of the standards expected of them guidance should be sought from their Director or, in the case of Directors, the Chief Executive.
3. The areas covered by this Code are as follows:

- Standards;
- Personal Appearance;
- Use of the Council's Facilities and Equipment;
- Fraud and Corruption;
- Gifts, Hospitality and Sponsorship;
- Register of Gifts and Hospitality;
- Disclosure and Use of Information;
- Political Neutrality;
- Relationships;
- Appointments and Other Employment Matters;
- Undertaking Additional Outside Work;
- Arrest or Conviction on Civil or Criminal Charges;
- Membership of Clubs, Societies and other Organisations;
- Equality Issues;
- Health and Safety Issues;
- Breaches of the Code of Conduct.
- Confidential Reporting Procedure (Whistle-blowing);

## **STANDARDS**

4. Employees are expected to give the highest possible standard of service to the public and to provide advice to Councillors and fellow employees with impartiality. The highest standard of probity must apply and employees must report any suspected unlawfulness, maladministration, impropriety or breach of procedure of which they are aware to their Director. (See also paragraph 91 and Appendix 1 of this Code).
5. The Council, for its part, considers it has a duty to protect employees against unjustified allegations of wrong doing.

## **PERSONAL APPEARANCE**

6. Although the Council has not adopted a formal dress code it does expect employees to observe a standard of personal hygiene and appearance which is appropriate to the nature of the work undertaken. Staff are expected to wear their official Gloucestershire County Council identity badge on Council premises and when on official business out of the office.

## **USE OF THE COUNCIL'S FACILITIES AND EQUIPMENT**

7. Employees must exercise reasonable care and skill in their use of the Council's facilities and equipment. The Council is entitled to expect at least the same standard of care of its property as employees give to their own property. Any facilities, property or equipment provided by the Council should only be used in connection with official duties except where the Council has agreed to private use. There are arrangements for the use of some services for private purposes on the payment of approved charges e.g.

private telephone calls and photocopies, etc. You should always ensure that there is either general or specific agreement to private use of any facility or equipment.

8. When an employee ceases working for the Council all paper and electronic records (and copies), equipment and any other property of the Council must be returned.

## **FRAUD AND CORRUPTION**

### **Culture of the Organisation**

9. Although the Council believes that Members, employees and organisations associated with the Council will act with honesty and integrity it recognises that occasionally this will not be the case. The Council's culture is one of honesty and zero tolerance in respect of fraud and corruption.
10. Employees must make themselves aware of and comply with the following key documents which set out various standards of behaviour and procedures which must be adopted in addition to those mentioned in this Code: -
  - Financial Regulations/Accounting Instructions;
  - Powers of Committees and Officers;
  - Information Management and Security policies, procedures and standards;
  - Standing Orders;
  - Staffnet Procurement Guidance
  - [Anti-Fraud & Corruption Policy & Strategy](#)
  - Employee Handbook and
  - Social Media Policy.
11. Employees must use public funds entrusted to them in a responsible and lawful manner and ensure that value for money is achieved. They must comply at all times with the Council's Financial Regulations, Contract Standing Orders and associated Accounting Instructions.
12. It is a criminal offence for employees to give or receive any gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour or disfavour to any person, company or contractor, with a corrupt intention. If an allegation is made it is for the employee to demonstrate that any rewards received have not been corruptly obtained.
13. Although there may be no corruptive intention in the act of giving or receiving of gifts, it is important to avoid any grounds for suspicion of corruption. For example, where contracts are being negotiated employees should not negotiate with a potential contractor, supplier or purchaser (of land for example) on a one -to- one basis. All steps in the contract negotiations should be recorded and in accordance with the Council's Constitution and scheme of delegation. Standing Orders, Financial Regulations, the

Procurement Guidance and the policies of the Council must always be followed; an adequate audit trail must be maintained.

14. The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish the previous record of potential employees in terms of their propriety and integrity. Employees responsible for applying the Council's recruitment procedures should ensure that they are followed in respect of all appointments and that written references are obtained regarding known honesty and integrity. (See also paragraph 68-72).

### **Your Interests**

15. Any personal interests, financial or otherwise, must be registered (see paragraph 19) when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties. The Chief Executive and each Director will be responsible for ensuring that their personal interests are registered in accordance with this Code and that all of their employees are aware of the need to register personal interests. In certain circumstances even though a conflict of interest is not anticipated (e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence the Council's policies) employees should register their interests.
16. Section 117 of the Local Government Act 1972 requires all employees to give written notice of any contract or proposed contract in which the Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest is a criminal offence and may result in prosecution.
17. A direct financial interest arises where an employee or their partner, family member or close friend has a financial interest in a contract or proposed contract whether to their advantage or disadvantage, in which the Council is involved. An indirect financial interest may arise where an employee or their nominee or employee's partner holds securities or shares in a company which exceeds £5,000 or 1/100th of the nominal issued share capital of a company which has a direct financial interest, whichever is the lesser amount.
18. An 'other' interest may occur when an employee or their partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations with the Council; or when dealing with the Council on a personal matter relating to them or their family.
19. Details of interests must be made in writing and sent to the Monitoring Officer who will record it in a register and acknowledge receipt of the declaration. Employees should ensure that they receive an acknowledgement back from the Monitoring Officer. The

declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services.

20. Employees with a financial or non-financial interest in any matter should not only declare that interest but also seek to distance themselves from involvement in that matter. Employees must be open and up front about their interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Council meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.
21. Employees involved in the award or management of contracts shall declare in writing to their Director (or in the case of Directors, the Chief Executive) any association or friendship with any contractor and should take no part in a tender process involving the contractor without written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to the Director (or in the case of Director, the Chief Executive) any association with any person or body who is an applicant in the field of work in which that employee is engaged.
22. A Director (or in the case of Directors, the Chief Executive) to whom any such interest, association or friendship is declared shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.

### **Rules Governing Purchasing by Employees**

23. Employees must follow Financial Regulations, Standing Orders, the Council's procurement and contract management guidance and Accounting Instructions whenever any goods or services are purchased.
24. Employees may not order, in the name of the Council, equipment or goods, whether with a discount or not, from official Council suppliers for their own personal use even if the cost is reimbursed in full to the Council.
25. Employees undertaking procurement or contract management activities should ensure they have the necessary skills and knowledge to do so or should seek appropriate advice and support from the Commercial Service.

### **Separation of Roles during Tendering**

26. Employees involved in the tendering process and dealing with contractors should understand the separation of client and contractor roles within the Council. Senior employees who have both client and contractor responsibilities must be aware of the need for accountability and openness.

27. Employees who are privy to confidential information in respect of tenders or costs for either internal or external contractors must not disclose that information to any unauthorised person or organisation or use it for any unauthorised purposes.
28. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
29. Employees must not use their position and knowledge of the Council to gain access to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work or to provide services or supplies.

### **Reporting a Concern**

30. "Whistleblowing" by employees of the Council is fully supported and encouraged. Where concerns arise these should be brought to the attention of management at all times. In Appendix 1 of this Code a procedure is described for employees who wish to report serious concerns relating to any suspicions or allegations of fraud and corruption or any mal-practice or maladministration.

### **Investigation**

31. Allegations and concerns relating to fraud or corruption will normally be investigated by the Head of Internal Audit and a report issued to the Chief Executive, the Monitoring Officer and the Director: Strategic Finance (s.151 Officer).
32. The Director: Strategic Finance in consultation with the Monitoring Officer, will then decide whether there are sufficient grounds for the matter to be reported to the Police. The Chief Executive is also to be informed of any (potential) referrals. The Council will normally wish the Police to be made aware of, and investigate independently, offences where financial impropriety appears to have been discovered.
33. The Council's Disciplinary and Dismissal Procedure will be used where the outcome of an audit investigation indicates improper behaviour or other misconduct by an employee.

### **GIFTS, PRIZES HOSPITALITY AND SPONSORSHIP**

34. Any offers of gifts, prizes hospitality or sponsorship should be recorded in the Council's Gifts & Hospitality Register held by each Director or, in the case of Directors the Chief Executive. The register must include all offers of gifts, etc whether accepted or declined. Advice/permission should be sought from the Directors before any gift, hospitality or sponsorship is accepted (see paragraph 51 below). When in doubt the employee should always refuse such gifts. A standard form is available via this [link](#).

35. An employee should not personally receive a gift, prize, hospitality or sponsorship that:

- could compromise their judgment
- could appear to be a conflict of interest
- could damage relationship with others; or
- could indicate any favoritism or prejudice in relation to any particular person or group of people
- bring the council into disrepute

36. When hospitality, prizes or gifts have to be declined, the person making the offer should be informed of the procedures and standards operating within the Council, in relation to gifts, prizes, hospitality and sponsorship.

### **Gifts (including bequests)**

37. Gifts offered by persons who are providing, or seeking to provide, goods or services to the Council, or who are seeking decisions from the Council, should be refused and returned, as should gifts (other than those of a trivial nature e.g. calendars, diaries, desk sets) offered by those receiving services from the Council.

38. In all cases relating to the receipt of gifts it is wise to err on the side of caution: an obviously expensive gift must be tactfully declined or, if appropriate, donated to the Council for official use, and the Director or Chief Executive should be advised of the action taken. If a gift is simply delivered it must be returned to the donor or, if appropriate, be donated to the Council for official use, and the Director or Chief Executive must be advised of the action taken. All such gifts must be registered in accordance with paragraph 52 of this Code.

39. On occasions an employee may become a beneficiary of a will of a service user; this may be the way a service user wishes to express gratitude for the service they have received.

40. Those teams/services which provide personal services to service users have written policies concerning the receipt of bequests by employees. Such policies have been drawn up to protect the interests of both service users and members of staff. Staff should ensure that they have read and comply with such policies.

### **Hospitality**

41. Employees may only accept offers of hospitality if there is a genuine need to exchange information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community within Gloucestershire and where the Council should be seen to be represented. All such hospitality must be properly authorised and recorded by Directors

or, in the case of Directors the Chief Executive. Exceptions to this rule must be properly authorised and recorded by Directors or the Chief Executive.

42. Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, or where the Directors (or Chief Executive in the case of Directors) gives consent in advance and where it is clear that any purchasing decisions are not compromised.
43. An offer of hospitality to individual employees calls for special caution particularly if the host is undertaking, or applying to do business with the County Council or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence.
44. A working lunch of modest standards to allow the parties to discuss business would normally be acceptable; this is a case where the hospitality is secondary to a specific working arrangement. On the other hand, it would not be acceptable conduct for an employee to accept such things as: -
  - a holiday
  - tickets for concerts, theatre or sporting events
  - the use of a company flat or hotel suite
  - expensive meals or entertainment
45. Hospitality must not be accepted unless the acceptance can be readily acknowledged in public or is similar to that which the Council would provide in the same circumstances.
46. There are occasions when an offer of hospitality of any kind must be declined e.g. when the person offering the hospitality has a current issue with the Council such as a tender under consideration or is involved in a contract dispute.
47. Offers of hospitality accepted or rejected must be registered by employees to their Directors or, in the case of Directors to the Chief Executive. The details to be registered must be in accordance with that shown in paragraph 52 of this Code.

## **Sponsorship**

48. Where outside organisations, contractors or potential contractors wish or seek to sponsor a Council activity, the basic conventions concerning acceptance of gifts or hospitality apply (see paras 34-47 above).
49. Where the Council acts as a sponsor for an event or service, neither an employee or any partner or relative must benefit from such sponsorship without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **Bribery Act 2010**

50. The Bribery Act 2010 provides a modern legal framework to combat bribery in the UK and internationally. Staff need to be aware of their obligations under this Act, which sets out the criminality of accepting and giving of bribes. This applies to both individual staff and the Council corporately.

51. The Bribery Act 2010 creates the following offences:

- Active bribery: promising or giving a financial or other advantage;
- Passive bribery: agreeing to receive or accepting a financial or other advantage;
- Bribery of foreign public officials; and
- The failure of commercial organisations to prevent bribery by an associated person (corporate offence).

The penalty under the Bribery Act 2010 is an unlimited fine and/or imprisonment up to a maximum of 10 years.

Full details of the Act can be found at: <http://www.legislation.gov.uk/ukpga/2010/23/contents>

## **REGISTER OF GIFTS AND HOSPITALITY**

52. A register will be maintained by every Director detailing all offers of gifts or hospitality made to employees in their department. The following information will be recorded, based on information reported by employees:-

- the person or body making the offer;
- the member of staff to whom the offer was made;
- the gift or hospitality offered;
- the circumstances in which the offer was made;
- the action taken by the member of staff concerned; and
- the action taken (if any) by the Directors (or in the case of Directors, the Chief Executive).

A standard form is available via this [link](#).

A similar register will be maintained by the Chief Executive in relation to Directors.

Where a suspected breach has been reported a formal investigation will be undertaken and recorded.

## **DISCLOSURE AND USE OF INFORMATION**

53. The Council believes that, subject to the content of paragraphs 54 to 60 below, information should normally be disclosed unless it is in the public interest not to do so.

Staff must comply with Data Protection, Freedom of Information and Environmental Information legislation and the associated council policies, procedures and authorisation process. In terms of information for elected members (“County Councillors”), the legal requirements are set out in the Rules on Access to information, set out in the Constitution. If in doubt, seek advice from your manager.

54. Many employees obtain information which has not been made public and/or is confidential. Employees may also have access to personal information about other employees or clients. This information must only be disclosed to a third party where there is a legal responsibility to provide it, or where the employee or client provides a written authority for the information to be provided.
55. The restrictions in paragraph 54 to 60 apply equally to information which an employee may obtain from their employment about a contractor, debtor or creditor of the Council.
56. No employee, unless specifically authorised by their Director to do so, may communicate to the public or press any information about the discussions or decisions of the County Council or any of its committees or bodies following the exclusion of the public and press, with the exception of information which is required to be published by law. All media interaction must be managed through the Communication Team.
57. As a general rule employees must not enter into any public correspondence or debate on a matter related to their official duties, or in respect of which they hold official information, unless this is done with the consent of their Chief Officer. Further guidance on related matters is contained in the Social Media Policy and Expression of Employee Views documents (both of which are in the Employment Handbook on Staffnet) to which employees should also refer.

Similar considerations exist covering the position of employees invited to participate in press interviews, radio or television programmes, etc., where the subject relates directly or indirectly to their work for the Council. Employees invited to take part in such programmes should discuss the position with their Director and the Communication Team before replying to the invitation.

58. Employees must adhere to the Council’s published rules and requirements relating to personal and/or sensitive information, as covered by current Data Protection legislation. In particular, information must not be disclosed to unauthorised people or organisations.
59. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
60. Employees must make themselves aware of and comply with published Information Management and Security policies, procedures and standards relating to the protection of information and secure use of ICT systems which are published on Staffnet. A serious breach of the rules is likely to lead to disciplinary action.

## **POLITICAL NEUTRALITY**

61. A protocol on the relationship between officers and members of Gloucestershire County Council gives more information. (Appendix 2)
62. Employees must serve all Councillors and not just those of a single or controlling group, and must ensure that the individual rights of all Councillors are respected.
63. Employees of the County Council are not eligible to stand for office as an elected member of the County Council. Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council and must not allow their own personal or political opinions to interfere with their work.

### **Politically Sensitive Posts**

64. The Local Government and Housing Act 1989 has the effect of imposing restrictions on public political activity by certain staff of local authorities in politically sensitive posts. Political assistants employed pursuant to Section 9, Local Government and Housing Act 1989 are not wholly bound by these restrictions.
65. The effect of the inclusion of a post in a list of sensitive posts is that the postholder will be prevented from becoming a member of a local authority (except a Town or Parish Council), or a member of the House of Commons or the European Parliament. In addition, regulations prevent them from:-
  - holding office in a political party
  - canvassing at elections
  - speaking or writing publicly on matters on party political lines

## **RELATIONSHIPS**

### **Councillors**

66. Mutual respect between employees and Councillors is essential to good local government. However, close personal familiarity can possibly damage working relationships and cause embarrassment. Please refer to the Member/Officer protocol for further advice (Appendix 2).

### **Contractors**

67. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's immediate line manager. Orders

and contracts must be awarded on merit, through fair competition, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

68. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had, or currently have, a relationship in a private or domestic capacity with such contractors, must declare that relationship to their Director, or in the case of Directors, to the Chief Executive.
69. No employee shall purchase for private purposes goods or services from a firm which has dealings with the Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the Council. This rule equally applies to the ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the Council's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. It would also apply to the use of services of a contractor with whom employees have official contacts as part of their employment with the Council. It also precludes employees from using, for private purposes, any special trading cards which the Council may hold for council business. It does not, however, preclude employees benefiting from general discounts offered by suppliers to all Council employees or made available by the Council or trade unions on behalf of staff generally.

## **APPOINTMENTS AND OTHER EMPLOYMENT MATTERS**

70. It is contrary to the Council's HR policies for an employee to make an appointment/engagement which is based on anything other than the ability of the individual to undertake the duties of the post. Employees must not be involved in an appointment/engagement where they are related to an applicant, or have any personal or business relationship outside work with them.
71. Employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.
72. Employees of the Council shall inform their Director or, in the case of Directors the Chief Executive, of any relationship known to them to exist between themselves and a candidate for an appointment/engagement in which they are directly involved. If a candidate deliberately omits to disclose a relationship they will be disqualified. If the omission is discovered after appointment or engagement they shall be liable to dismissal.
73. Employees involved in appointments/engagements must, where practicable, ensure that references are obtained from the current and previous employer of the candidate to whom they wish to formally offer a post. Ideally both referees should be senior persons, one from the candidate's present employer and the other from their previous employer.

74. In the case of applicants leaving full-time education or not having worked since doing so, the Head of School, College, University etc. should be named as one of the referees.

### **UNDERTAKING ADDITIONAL WORK OUTSIDE OF THE COUNCIL**

75. Full-time employees shall devote their whole time service to the work of the Council, and shall not engage in any other business, including self-employment, or take up any other additional appointment without the express written prior consent of their Directors, and in the case of Directors, the Chief Executive. The Director or the Chief Executive reserves the right to withdraw such consent at any time.
76. All prospective employees shall, prior to appointment, provide details on the Council's standard application form of any other employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employments exceed 48 per week - as per the Working Time Regulations 1998.) Also, existing part-time employees must declare any other employment to the Council in order that the latter can ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.
77. All employees – full time or part-time – must avoid avoid situations where an actual or apparent conflict between work and personal interests may arise and must inform their manager as soon as possible in the event that any such conflict may arise
78. Undertaking unpaid activities outside Council employment may, on occasions, be detrimental to or otherwise conflict with the Council's interests. Employees should be mindful of any potential conflict of interests in such situations.
79. No personal business activity or outside work of any sort may be undertaken by an employee during their working hours for the Council.

### **Consultancy, Lecturing, Fee Paying Work**

80. Where a request is received for any employee to make a presentation, speak at a seminar or lecture on a course, within their normal field of work and during their normal working hours, the work will be undertaken on behalf of the Council and any fee will be treated as income for the Council.
81. Where an employee is approached to undertake fee paying work, they must make sure they are authorised to express opinions on behalf of the Council and should avoid comments which could bring the Council into disrepute. The Council has determined that the fee is to be treated as income for the employee if all the work, including

preparation, is undertaken outside normal work hours. In the case of activities which are prepared and/or take place partly during normal working hours, the Council has agreed that half the fee is to be treated as income for the employee, and the remainder paid to the Council. All consultancy, lecturing and other fee paying work must be approved by the employee's Director or, in the case of Directors the Chief Executive.

### **Intellectual Property**

82. Intellectual property is a generic term that includes inventions, creative writings and drawings. If these items are created as part of an employee's normal course of employment then, as a general rule, they belong to the Council.

### **ARREST OR CONVICTION ON CIVIL OR CRIMINAL CHARGES**

83. You must, as soon as practicable inform your line manager, at each stage, if you are arrested, charged, cautioned, refused bail, required to attend court, convicted or sentenced for any criminal or civil offence. This does not apply to traffic offences unless this involves a situation relating to the transport of service users, or the possible penalty includes imprisonment or disqualification from driving or involves an official vehicle. Failure to inform will be considered an act of gross misconduct.

### **MEMBERSHIP OF CLUBS, SOCIETIES AND OTHER ORGANISATIONS WHICH ARE NOT OPEN TO THE PUBLIC AND/OR WHICH HAVE SECRECY ABOUT RULES, MEMBERSHIP, ETC.**

84. The intention of this Code and procedures is to ensure transparency and openness and that no reasonable person can question the integrity and motives in connection with your employment with the Council.
85. All employees must declare membership of any organisation which is not open to the public, where there is a commitment of allegiance, and /or which has secrecy about rules, membership or conduct. This declaration needs to be made through completing a form held by each Director.

### **CONFLICT OF INTEREST**

86. Staff are expected to conduct themselves with integrity, impartiality and honesty. Staff should avoid circumstances where private or personal interests have the potential to give rise to allegations or partiality or impropriety which could bring the Council into disrepute.
87. Employees should not involve themselves in any decision or allocation of Council Services or resources from which they, their friends, their partners, persons to whom they are (or are owed) an obligation, or family might benefit.

88. Where employees belong to any club, society, charity or similar body and any person within it or the club, society or similar body itself may benefit from a decision or action employees may take in their work with the Council. All interests must be registered and discussed with their managers.

## **EQUALITY ISSUES**

89. All employees must comply with the Council's policies on equal opportunities in employment and with those relating to service delivery. Employees must also have due regard to any requirements under the Public Sector Equality Duty.

## **HEALTH AND SAFETY ISSUES**

90. Employees must receive and understand information to enable them to work safely and to ensure the health, safety and welfare of any others affected by their work. Employees have an obligation to follow local working practices so that workplace risks are mitigated.
91. No-one should be expected to work unsafely and managers have responsibilities to address workplace risks taking advice where appropriate.

## **BREACHES OF THE CODE OF CONDUCT**

92. Any suspected breach of this Code must be: -
- (a) immediately reported to the appropriate Director or, in the case of Directors, to the Chief Executive,  
OR
  - (b) be reported through the confidential reporting procedure ("whistle-blowing") for employees, detailed at Appendix 1.
93. Where a suspected breach has been reported, a formal investigation into that suspected breach will be undertaken.

## **CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE-BLOWING)**

94. Appendix 1 of this Code provides procedures for employees to follow who wish to report, in strict confidence, their serious concerns about any aspect of the Council's work or the behaviour or standard of conduct of other employees or anyone associated with the work and services provided by the Council.

95. Failure to comply with any of the standards detailed in this Code may result in formal disciplinary action, under the council's Disciplinary and Dismissals Procedure, including dismissal in serious cases.

## APPENDIX 1

# Gloucestershire County Council

## WHISTLEBLOWING POLICY

### INTRODUCTION

All of us at one time or another have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger, corruption or malpractice or maladministration (the term used when the council has done something wrong which affects a member of the public) that might affect others or the Council itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Elected Members and senior managers of Gloucestershire County Council are committed to running the organisation in the best way possible and to do so we need your help. We have updated this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. **Any reported concern will be taken seriously.** Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

This policy applies to all those who work for us and with us, including Gloucestershire Fire and Rescue Service, whether full-time or part-time, employed through an agency or as a volunteer. If you work in a school, each school will have its own whistleblowing policy and this can often be found within the 'Code of Conduct and Confidential Reporting Procedure (Whistle-Blowing) for School Employees in Maintained Schools'. However if you do not have access to this policy and cannot raise it with the school governors, you can contact the Head of Education (details on page 3).

The Whistleblowing Policy is primarily for concerns where you witness something which **affects other people** – groups of colleagues, service users, members of the public or the organisation itself.

If, you wish to make a complaint about **your own employment or how you personally have been treated**, please use the grievance procedure or the Dignity and Respect at

Work (Anti-Bullying) Policy - which you can get from Staffnet ([links](#)) in the Employee Handbook or your manager or the HR Adviser on Contact Us (01452 425888).

If you have a concern about financial misconduct or fraud, you can contact Internal Audit.

If you have a concern about a health and safety issue that has not been resolved using the steps explained in this policy, you can contact the Safety, Health and Environment (SHE) Team. E-mail:[she@gloucestershire.gov.uk](mailto:she@gloucestershire.gov.uk) telephone:01452 425350.

If something is troubling you which you think we should know about or look into, if you are not sure which is the right route, or if you want to speak to someone in confidence, please read on.

### **If in doubt - raise it!**

## **OUR ASSURANCES TO YOU**

### Your safety

Elected Members and senior managers of Gloucestershire County Council are committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

### Your confidence

With these assurances, we hope you will raise your concern openly and at the first opportunity. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

If you are unsure about raising a concern you can get confidential independent advice from **Public Concern at Work** (see contact details under Independent Advice).

## HOW TO RAISE A CONCERN INTERNALLY

Please remember that you do not need to have firm evidence of wrong-doing before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

### Step one

If you have a concern, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing.

### Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

- Your own Head of Service or Director
- Theresa Mortimer, Chief Internal Auditor or Janet Bruce, Principal Auditor
- Mandy Quayle, Head of HR and OD or Colin Parkin, Assistant Head of HR
- Gillian Parkinson, Head of Legal Services or Sarah Farooqi, Principal Lawyer
- For Schools: Tim Browne, Head of Education

These people have been given special responsibility and training in dealing with whistleblowing concerns.

If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made.

### Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Jane Burns  
Director of Strategy and Challenge and Monitoring Officer  
Gloucestershire County Council  
Shire Hall  
Gloucester GL1 2TZ  
Telephone 01452 328472  
Email: [jane.burns@gloucestershire.gov.uk](mailto:jane.burns@gloucestershire.gov.uk)

The Monitoring Officer will refer all concerns in relation to possible financial impropriety or irregularity to Theresa Mortimer, the Chief Internal Audit (CIA) and/or Jo Walker, Director of Strategic Finance.

You may wish to use our 24 hour “whistleblowing” answerphone service on 01452 427052 which is managed by Internal Audit or the on-line form ([link](#)) which goes direct to the Director of Strategy and Challenge and Monitoring Officer.

## INDEPENDENT ADVICE

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on **08000 499 778** or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk). Their legal advisers can talk you through your options and help you raise a concern about malpractice at work.

If you are a member of a trade union, you can also contact them for advice (see page 9).

## CONCERNS ABOUT SAFEGUARDING ADULTS AND CHILDREN

The County Council is responsible for investigating concerns about safeguarding adults or children or child protection matters. These should be raised under separate procedures, details below:

If you think someone else is being abused, you must tell someone:

*Call the Police*

- Telephone 101
- In an emergency telephone 999

*For adults, you can contact the Adult Help Desk*

- Telephone 01452 426868
- You can also email: [socialcare.enq@gloucestershire.gov.uk](mailto:socialcare.enq@gloucestershire.gov.uk)

*For children, you can contact the Children's Helpdesk*

- Telephone 01452 426565
- You can also email: [childrenshelpdesk@gloucestershire.gov.uk](mailto:childrenshelpdesk@gloucestershire.gov.uk)

If you are worried or concerned about anyone under 18 who you think is being abused or neglected or that a child and their family need help and support please call 01452 426565.

## HOW WE WILL HANDLE THE MATTER

We will acknowledge receipt of your concern within 10 working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. We will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. If you have raised a concern anonymously we will not be able to write to you.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact the HR Advice Line via Contact Us on 01452 425888. Choose the HR option which is staffed by HR professionals. You may also wish to contact your trade union representative (if you are a trade union member).

There is also the Dignity at Work network which is a group of officers who are one of the first points of contact for any employee who believes they are experiencing unacceptable behaviour. You can email them on [dignity@gloucestershire.gov.uk](mailto:dignity@gloucestershire.gov.uk) or an up to date list of officers can be found on the Dignity at Work network page on Staffnet [here](#).

Alternatively you can contact any of the people named on page 3, Public Concern at Work for independent and confidential advice, or your trade union representative, (see page 9)

## EXTERNAL CONTACTS

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a

matter with the appropriate regulator than not at all. The following organisations are possible contact points.

**Public Concern at Work** (*or, if applicable, your trade union*) will be able to advise you on such an option if you wish.

Organisation	Role	Contact details
Action Fraud	Report fraud and cyber crime.	Please refer to Internal Audit first.  Tel: 0300 123 2040 Website: <a href="http://www.actionfraud.police.uk/report_fraud">http://www.actionfraud.police.uk/report_fraud</a>
Care Quality Commission	Contact them about matters relating to the provision of health and social care.	CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA  Tel: 03000 616161 Website: <a href="http://www.cqc.org.uk">www.cqc.org.uk</a>  <a href="#">cqc - contact us - Report a Concern</a>
Charity Commission	Contact them about: the proper administration of charities in England and Wales and of funds given or held for charitable purposes in England and Wales.	Tel: 0300 066 9197  Email: <a href="mailto:whistleblowing@charitycommission.gsi.gov.uk">whistleblowing@charitycommission.gsi.gov.uk</a>  Website: <a href="http://www.gov.uk/charity-commission">www.gov.uk/charity-commission</a>
Department for Work and Pensions	Central government department responsible for benefits and pensions	National Benefit Fraud Hotline  Telephone: 0800 854 440 (English) Telephone: 0800 678 3722 (Welsh) Textphone: 0800 328 0512 Monday to Friday, 8am to 6pm <a href="#">Find out about call charges</a>  You can also <a href="#">report suspected benefit fraud online</a> or by

		<p>post.</p> <p>National Benefit Fraud Hotline Mail Handling Site A Wolverhampton WV98 2BP</p>
Environment Agency	<p>Contact them about: acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.</p>	<p>National Customer Contact Centre PO Box 544 Rotherham S60 1BY</p> <p>Tel: 03708 506 506 Website: <a href="http://www.gov.uk/environment-agency">www.gov.uk/environment-agency</a></p>
Equality and Human Rights Commission	<p>The Equality and Human Rights Commission (EHRC) monitors human rights, protecting equality across 9 grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.</p> <p>EHRC is an executive non-</p>	<p><a href="http://www.equalityhumanrights.com/">http://www.equalityhumanrights.com/</a></p> <p>Advice Line: 0808 800 0082</p>

	departmental public body, sponsored by the Department for Education.	
External Auditors (Grant Thornton)	Objections to the council's accounts.	<p>A guide to your rights can be found at <a href="https://www.nao.org.uk/code-audit-practice/wp-content/uploads/sites/29/2015/03/Council-accounts-a-guide-to-your-rights.pdf">https://www.nao.org.uk/code-audit-practice/wp-content/uploads/sites/29/2015/03/Council-accounts-a-guide-to-your-rights.pdf</a></p> <p>Objections should be addressed to the auditor, Grant Thornton UK LLP, The Canterbury Business Centre, 18 Ashchurch Road, Tewkesbury, GL20 8BT.</p>
Health and Safety Executive	<p>Contact them about:</p> <ul style="list-style-type: none"> <li>•the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998</li> <li>•the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work</li> </ul>	<p>Tel: 0300 003 1647</p> <p>Online form: <a href="http://www.hse.gov.uk/contact/raising-your-concern.htm">www.hse.gov.uk/contact/raising-your-concern.htm</a></p> <p>Or contact GCC's Safety, Health and Environment (SHE) Team. E-mail: <a href="mailto:she@gloucestershire.gov.uk">she@gloucestershire.gov.uk</a> Telephone: 01452 425350.</p>
HM Revenue and Customs	<p>Contact them about:</p> <ul style="list-style-type: none"> <li>•the administration of UK taxes</li> <li>•the administration of national insurance and tax credits systems</li> <li>•customs and</li> </ul>	<p>HMRC Fraud Hotline Cardiff CF14 5ZN</p> <p>Tel: 0800 788 887 Website: <a href="http://www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion">www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion</a></p>

	border-related functions •criminal investigations	
Information Commissioner's Office	Contact them about: compliance with the requirement of legislation relating to data protection and to freedom of information.	The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF  Tel: 0303 123 1113 Email: <a href="mailto:casework@ico.org.uk">casework@ico.org.uk</a> Website: <a href="http://www.ico.org.uk">www.ico.org.uk</a>
Gloucestershire MPs		<a href="#">Gloucestershire MPs</a>
Ofsted	Ofsted is the Office for Standards in Education, Children's Services and Skills. We inspect and regulate services that care for children and young people, and services providing education and skills for learners of all ages.	<b>Complaints about schools and childminders</b>  Contact form <a href="https://www.gov.uk/com...">https://www.gov.uk/com...</a>  <b>Complaints about other providers Ofsted inspects</b>  Contact form <a href="https://contact.ofsted...">https://contact.ofsted...</a>  <b>General enquiries</b>  Email <a href="mailto:enquiries@ofsted.gov.uk">enquiries@ofsted.gov.uk</a>  Contact form <a href="https://contact.ofsted...">https://contact.ofsted...</a>  General enquiries 0300 123 1231  Our helpline is open from 8 am until 6 pm, Monday to Friday.  <b>Contact Ofsted about concerns</b>  Email <a href="mailto:CIE@ofsted.gov.uk">CIE@ofsted.gov.uk</a>  Contact Ofsted about concerns 0300 123 4666
Police	Gloucestershire Constabulary Waterwells HQ	<ul style="list-style-type: none"> <li>• Telephone 101</li> <li>• In an emergency telephone 999</li> </ul>

<p>Serious Fraud Office</p>	<p>Contact them about: serious or complex fraud, including bribery and corruption, in England, Wales or Northern Ireland and civil recovery of the proceeds of unlawful conduct.</p>	<p>Please refer to Internal Audit first.</p> <p>The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS</p> <p>Website: <a href="http://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption">www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption</a></p>
<p>Trade Union</p>	<p>Formal staff representation.</p>	<p>Gloucestershire County Council recognised list of Trade Unions:</p> <p><a href="https://staffnet.gloucestershire.gov.uk/media/217487/trade-unions-and-professional-associations-may-2017.pdf">https://staffnet.gloucestershire.gov.uk/media/217487/trade-unions-and-professional-associations-may-2017.pdf</a></p>

**MONITORING / OVERSIGHT**

The Monitoring Officer has overall responsibility for this policy and will review it annually with the Audit and Governance Committee. She will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not breach confidentiality monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let one of their team know.

## **APPENDIX 2**

### **PROTOCOL ON THE RELATIONSHIP BETWEEN OFFICERS AND MEMBERS OF GLOUCESTERSHIRE COUNTY COUNCIL**

#### **Introduction**

1. The County Council will not function effectively unless elected Members of the Authority and its paid Officers are able to establish and maintain a businesslike and harmonious working relationship that is based on trust and on mutual respect for each other. This is not always easy. The business of the Council touches upon many sensitive and emotive issues. Modernisation has placed Officers and Members under increased scrutiny, demanded many changes to working practices and raised public expectations about the quality of the Council's services. These pressures inevitably create stresses and tensions between Officers and Members, which can undermine good working relationships. It is therefore important to minimise the risk of misunderstandings and to ensure that when difficulties do arise, a framework exists within which they may be resolved.
2. The purpose of this protocol is, therefore, to help foster a clear understanding of Officers' and Members' roles, and to lay down guidelines on what each may expect from the other. The protocol does not and indeed, cannot, cover every eventuality; the sheer variety of the Council's work makes that impossible. Instead, it is intended to strengthen existing good practice and address issues that arise most often. The guidance also provides advice on how to deal with difficulties that do arise, fairly and swiftly, so that the level of trust and mutual respect that is required to enable the Council to function effectively is maintained.

#### **The role of elected Members**

#### **The role of County Councillors as Members of full Council and Council bodies**

3. Members perform a wide variety of roles. The full Council of 53 elected Members is responsible for determining the Council's overall policy and budgetary framework. When acting in this capacity, they assume the role of trustees, which means they must ensure the Council's functions are discharged in a sound and businesslike manner. The introduction of executive arrangements has, however, conferred responsibility for the formulation and implementation of most detailed policies and proposals in the Cabinet. The Cabinet need not be politically balanced and it is therefore entitled to make decisions that reflect the ideology of the political groups who belong to it, since ultimately, the Cabinet is answerable to the electorate. The legitimate expression of political ideology by the Cabinet will often give rise to equally

legitimate objection by other political groups, who may quite properly regard themselves as a formal “opposition”. Such opposition may be expressed in full Council or in Overview and Scrutiny Committees as constructive criticism that is reflective of political ideology.

### **The standing of County Councillors as individual Members of the Council**

4. By virtue of their membership of Council bodies, some County Councillors may be able to exert more influence over certain kinds of Council business than others but they can only do so through a decision made by the committee or committees that they belong to. By law, the Leader is entitled to delegate functions to its Members. The Leader has determined that Cabinet Members (but not other Members) have power to make decisions that would bind the Authority to a particular course of action. It follows that in law, Members without decision making powers acting in their individual capacity as County Councillors are equals, each having the same rights and responsibilities.

### **Other roles of County Councillors**

5. County Councillors’ activities are confined to their involvement in full Council and Council bodies. Members represent the interests of the people who live within their electoral division and will often be asked to solve day-to-day problems connected with services that are provided by the Authority. County Councillors might have business or other private interests that are affected by the work of the Authority. Members are also part of the local community in their own right and thus receive Council services as consumers.

### **The role of Officers**

#### **The role of Officers in the course of their employment**

6. The role of Officers in the course of their day-to-day duties as paid members of staff is to give effect to the Council’s strategy and the policies and proposals of Council bodies, such as the Cabinet and thereby deliver services to the people of Gloucestershire. They do this by providing advice on the options that are available to Members, planning, managing and actually delivering services to the community in accordance with the decisions that the Council or another Council body makes.
7. Since Officers have a duty to serve the whole Council and to carry out its decisions and those of particular Council bodies, they should act impartially and always do their best to give them effect irrespective of whether they agree with them.

## **Contact between Officers and Members other than in the course of Officers' employment**

8. Officers may also come into contact with Members as constituents or in the course of consuming Council services. From time to time, Officers might also be consumers of services provided by County Councillors who are involved in business, voluntary or other activities. Members and Officers might also come into contact with each other socially, such as when they are members of the same club or some other interest group.

## **Sources of difficulty**

9. The range of Members' legitimate perspectives when discharging their different roles and responsibilities and the potential for contact between Officers and Members in a variety of circumstances, creates a variety of situations that have the potential to cause both groups difficulties. There are three principal sources of conflict:
  - (i) Actual or apparent failure by Officers to act in accordance with the principle of political neutrality;
  - (ii) Unreasonable pressure by Members on Officers;
  - (iii) Blurring of Officers' and Members' public and private roles.

## **Political neutrality**

### **Supporting the work of the Council**

10. Officers (except political assistants) must always exercise great care to ensure they do not and may not reasonably be said to appear to act in a manner that favours one political group over another. This does not mean that Officers (including political assistants) may not implement the policies and proposals of the administration. To the contrary, under executive arrangements the Cabinet stands in the shoes of the Council for all "executive functions" and Officers are under a duty to do all they can to give effect to the Cabinet's agenda and specific decisions. It follows that Officers should not act in a way that is calculated to deliberately frustrate or undermine a policy or decision of the Council or a Council body although political assistants may do so if expressly instructed by the political party in whose work they are engaged.

## **Lobbying Members**

11. Sometimes, Officers may disagree with one another about how to deal with a particular matter. They should resolve such issues between themselves, consulting with their line managers, if necessary. Officers should **never** lobby

Members privately to advance their own or their service's interest relative to the interests of another Officer, service or the Council as a whole.

### **Giving advice and providing information**

12. In recognising that individual Members and opposition groups have a legitimate right to scrutinise the work of the Authority, Officers should, however, provide **factual** advice to Members who wish to oppose particular policies or decisions. They should also provide any documentary information that is sought for this purpose in accordance with the Council's Access to Information Procedure Rules. Members should not, however, seek to elicit advice from an Officer about how to undermine the Council's or the Cabinet's policies or decisions and, in the event an Officer receives such a request, they should decline to give such assistance. An Officer should **never** provide unsolicited advice to a Member that is calculated to undermine any policy or decision of the Council or a Council body. This paragraph shall not apply to political assistants to the extent that they are expressly instructed by the political party in whose work they are engaged.
13. In circumstances when an Officer is asked to provide advice or information to a Member and it is proper that it should be supplied, the Officer must ensure the advice that is given is **full** and **accurate** and that it is provided **promptly**. Officers should also avoid withholding advice or information that is plainly relevant to and embraced by any request for assistance. In other words, Officers should always be **helpful** in the way they deal with any enquiry by a Member provided that in giving such help they comply with paragraphs 8 to 11 of this guidance. Officers must never fail to advise any Member about a risk that their conduct might break the law, breach Council policy, or be contrary to the budget if ever they become aware of such a risk.

### **Confidentiality**

14. Information and advice should normally be provided to Members in confidence and should not, therefore, be copied to any other Member unless disclosure has been expressly authorised. If, however, an Officer who is asked to provide information believes it would, if disclosed more widely, be of benefit to the Council as a whole, they may provide the information to others. Before they do so, they should, however, consult the County Councillor who asked for the information and their Director or Head of Service.
15. Members must give due regard to Officer's advice on the sensitivity of any information or advice that they receive by virtue of their position. They should take care not to release any such information inappropriately, without good reason. In no case should any information, which is confidential or exempt in law, be disclosed. If Officers have concern about a County Councillor's action

in this regard, they should inform their Director or Head of Service who will discuss the issue with the relevant Group Leader and the Monitoring Officer. Members and Officers should be aware that unresolved breaches of this duty may be referred to the Audit and Governance Committee of the Council.

### **Dealing with the Press**

- 16 Particular care must be exercised in dealing with the media. Officers, including political assistants, must not criticise the policies of the County Council, any other Council body or a Member of the Council in the media in their capacity as employees of the Authority. Political assistants may prepare press releases on behalf of their groups that are critical of the County Council or any Council body or Member. All political group press releases must be issued in the name of the political group that produces the press release and include the name of the relevant County Councillor. The name and contact details of the political assistant may be included but only in order to obtain further information and it must be clear that the political assistant is not the author of the press release. If a press release is prepared by a political assistant, that Officer must ensure, so far as is reasonably practicable, that the information it contains is factually correct.

### **Member pressure on Officers**

17. Except in relation to political assistants, Members should respect Officers' political neutrality. They should not, therefore, ask an Officer (except political assistants) to act in any way that would cause an Officer to confer an improper advantage on their group or disadvantage another group or Member.
18. Members should also respect Officers' professional judgment. This does not mean Members are obliged to accept Officers' advice. Nor does it preclude Members' testing Officers' advice, robustly if necessary. If, however, an Officer does not share an opinion that is urged upon them by a Member, the Member should not insist or place an Officer under undue pressure to depart from their firmly held professional opinion.
19. Although Members are entitled to depart from Officers' advice, they should avoid criticising Officers or their advice in public. Complaints about the conduct of an Officer should be made privately to the Officer's Director of Service or another appropriate senior Officer.
20. Members should bear in mind that Officers are often obliged to balance very many tasks. They should, therefore, exercise reasonable restraint in making demands of Officers for advice or information. Thus, in responding to any request in accordance with paragraph 12 of this protocol, Officers should normally be allowed a reasonable period of time to provide advice and information. Members should also avoid, so far as is possible, making repeated

or excessive requests for advice or information. If an Officer indicates that they can provide no further assistance in respect of a particular matter, that advice should normally be accepted or referred to the Officer's line manager. Particular care must be exercised when corresponding with Officers by email; excessive use of this tool can be extremely costly of both Members' and Officers' time.

21. In seeking information or advice, Members should take care to avoid placing undue pressure on junior or inexperienced Officers. Instead, the matter should be taken up with the Officer's Director of Service or another senior manager.

### **Blurring of Officers and Members public and private roles**

22. Some Officers have specialist professional, technical or other qualifications or skills. Their contract of employment, however, usually forbids any other paid employment save that carried out for and on behalf of the Authority. Moreover, if Officers are to be and appear to behave politically neutral, they should avoid doing anything that might appear to indicate too close a relationship with the Member of any political group. A Member should not, therefore, ask or encourage an Officer and an Officer should not offer or agree to provide any service to that Member, whether or not for reward, for any purpose that is unconnected with the business of the Council.
23. The need to maintain Officers' political neutrality means that it will normally be inappropriate for them to maintain close social or private business relationships with a Member.
24. Members whose business interests bring them into contact with Officers in the latter's capacity as employees of the County Council must take care to ensure that they comply with the Council's Code of Conduct for Members and the law. For their part, Officers must ensure they comply with the Council's Contract Standing Orders.
25. More generally, Officers and Members must not use any relationship they have formed with each other by virtue of their office to secure any kind of personal advantage. They must also take care not to give the impression or appearance that their formal relationship is or might be used for personal gain.

### **The role of Group Leaders and senior Officers**

26. Sometimes, issues will arise that do not fit comfortably within this guidance. At other times, an Officer or Member may feel aggrieved by what they perceive to be a breach of this protocol. In each case an Officer (including a political assistant) should normally consult their Director of Service or another senior

manager for guidance on how best to act. For their part, Members should normally seek advice from their Group Leader or any other person that their Group Leader nominates to advise on relationships between Officers and Members.

## **Conclusion**

27. Although this protocol is not intended to lay down absolute or comprehensive guidance on the relationship between Members and Officers, it may be a relevant consideration in the determination of disciplinary action against an Officer under the Authority's disciplinary procedures. It may also be relevant to the determination of a complaint against a Member referred to the Monitoring Officer and/or the Council's Audit and Governance Committee alleging a breach of the Code of Conduct for Members.
28. Finally, it should be borne in mind that the foundation of harmonious and businesslike working relations between Members and Officers is built upon notions of mutual trust, respect and an overriding commitment to the best interests of the people of Gloucestershire. Provided Members and Officers strive to uphold these principles the Council is likely to remain focused on its primary goal, which is to provide high quality and continually improving services for the benefit of local people.

## Members' Protocol on Gifts and Hospitality

### 1. Introduction

- 1.1 The Members' Code of Conduct provides, by way of guidance to Members of Local Authorities, recommended standards of conduct in carrying out their duties and in their relationship with the Council and the Council's Officers.
- 1.2 In relation to gifts and hospitality, the Code requires you to register with the Monitoring Officer any gift and hospitality worth £25 or more you have received.
- 1.3 This protocol is written to provide all County Councillors with guidance on issues regarding gifts and hospitality and to set out the arrangements for recording offers which Members receive in a register.

### 2. What types of gifts and hospitality should be registered.

- 2.1 All County Councillors should remember that what may seem perfectly acceptable to them when receiving gifts and hospitality may be construed differently by the public or their fellow County Councillors. Members should be aware of the importance of the perception of others and guard against the suspicion of misconduct.

### 2.2 Gifts

- 2.2.1 County Councillors must not accept significant gifts such as holidays, expensive jewellery, televisions, etc. from contractors, suppliers or anyone who may be affected by decisions made by the Council in any circumstances. Such gifts must be politely but firmly declined. Significant gifts from members of the public must be treated similarly.
- 2.2.2 When it is impossible to refuse gifts, e.g. if a gift is delivered and cannot be returned, then it should be passed to the Chief Executive for official use or transmission to a local charity.
- 2.2.3 If you are in any doubt about accepting a gift the offer should be declined.
- 2.2.4 All gifts, whether they are accepted or rejected, other than those accepted under paragraph 2.2.3 above, must be notified to the Council's Monitoring Officer and recorded in the register kept for that purpose.
- 2.2.5 In all cases relating to the receipt of gifts, it is wise to err on the side of caution, if there is any shadow of doubt in your mind, the safest answer is always "No".
- 2.2.6 It is recognised that there is the need to make exceptions for gifts of an insignificant nature which are given to County Councillors as a consequence of normal commercial practice.
- 2.2.7 It is arguable that small gifts, for instance advertisement material, calendars, diaries, pens and pencils, and other tokens sometimes given at Christmas, may be acceptable if they are part of a general distribution.

Such items are those which are given to a wide range of people and are not personal only to the County Councillor. These may be accepted without the need for authority and recording. However, County Councillors must remember that they are responsible for determining whether a gift should be accepted and they may be called upon to justify their decision.

## 2.3 Hospitality

2.3.1 It is probably more difficult to provide definitive guidelines on hospitality than it is for gifts. It can be argued that a reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the Council's relationships should be cordial.

2.3.2 Hospitality of a reasonable degree may therefore be accepted in reasonable circumstances, provided no extravagance is involved. However, if the person offering is seeking, or is likely to seek, to do business with the Council or to gain some advantage which the Council can give, then extreme care needs to be taken. It is essential to avoid any suggestion of improper influence.

2.3.3 Rigid definitions of what is acceptable are difficult to provide. County Councillors are expected to exercise common-sense and judgement. If there is any doubt an offer must be declined and referred to the Monitoring Officer for recording in the register.

2.3.4 The following are examples of hospitality and general guidance on acceptability:

Conferences	As a general rule, you should not accept offers of hospitality when these are specific to you or only a small number of colleagues, e.g. whilst it would be acceptable to receive a free meal, which is offered to all delegates, it would not be acceptable for an individual to be wined and dined by a company representative.
Visits to suppliers /potential suppliers	Where visits to inspect products, equipment, etc. take place, then County Councillors should ensure that the Council meets the costs, to avoid jeopardising the integrity of subsequent purchasing decisions. Whilst a modest meal in such circumstances may be acceptable, expensive meals should not be accepted.
Travel	Free or discounted transport should not be accepted unless: <ol style="list-style-type: none"> <li>1. the offer is of a corporate nature open to all County Councillors; or</li> <li>2. it is travel which involves legitimate participation by the County Council in promotional events</li> </ol> and, in either case, it has been approved on behalf of the Council.
Meals	Where there is an ongoing working relationship between the County Councillor and an outside organisation or individual and the

	relationship occasionally involves hospitality such as working lunches, a working lunch to allow parties to discuss business would normally be acceptable if the hospitality is secondary to a specific working arrangement.
Sporting and social events	Sporting and social functions should only be accepted if they are part of the life of the local community and/or where the Council should be seen to be represented. Examples include: competitions involving local teams; representative gatherings of community interest groups; meetings of public organisations; and events organised to celebrate achievement affecting the County of Gloucestershire. Invitations to major sporting and social events, such as international or national sporting fixtures, golf days, theatre visits, social gatherings as a guest of a contractor/prospective contractor or other commercial body, must be declined.

2.3.5 When considering offers of hospitality, County Councillors should always remember that they should be in a position to readily acknowledge and justify acceptance in public. At the end of the day, it is important to remember that there is very little a local government County Councillor can properly accept in the way of gifts or hospitality.

### 3. The Register of Gifts and Hospitality

3.1 A register is to be maintained by the Council's Monitoring Officer detailing every offer of a gift or hospitality (other than those exemptions identified above) offered to all County Councillors.

3.2 The following information will be recorded and will be available for inspection:

- The Member to whom the offer was made;
- The person or body making the offer;
- The gift or hospitality offered;
- The circumstances of the offer;
- The action taken by the Member concerned.

### 4. Breach of Gifts and Hospitality Procedure

A breach of the Members' Code of Conduct may be regarded by the Local Government Ombudsman as incompatible with good administration and they may make a finding of maladministration against the Council in these circumstances.

## Members Allowances Scheme 2018/19

The structure of the County Council's Members Allowances Scheme has been developed by a Panel independent of the County Council.

### 1. BASIC ALLOWANCE

All Members of the County Council are entitled to a Basic Allowance. The Allowance is intended to recognise the community representative role that all Members undertake which embraces:

- Being accessible and available to all individuals resident in the Electoral Division;
- Ensuring local views within the Division are fed into the decision-making structure of the Council;
- Undertaking individual case work;
- Representing the interests of the whole Council area;
- Attending meetings of any body of the County Council.

The Basic Allowance for 2018/19 is:

**£10,100 per member**

### 2. SPECIAL RESPONSIBILITY ALLOWANCES

The Special Responsibility Allowances were approved by full Council on the 14 February 2018 and come into effect from the 1 April 2018 onwards.

The distribution of responsibilities and allowances for 2018/19 are as follows:

#### (a) Leader of the County Council:

**Allowance: £27,570**

#### (b) Group Leader (provided five or more group members):

**Allowance: £6,000 each**

#### (c) Group Leader of a group consisting of less than five members

**Allowance: A proportion of £6,000 depending on whether the group has 2, 3 or 4 members (e.g. a leader of a group with 3 members would receive 3/5 of £6,000 resulting in an allowance of £3,600)**

<b>(d)</b>	<b>Cabinet Member:</b>	
	<b>Allowance:</b>	<b>£18,380 each</b>
<b>(e)</b>	<b>Chair of Overview and Scrutiny Committee:</b>	
	<b>Allowance:</b>	<b>£6,000 each</b>
<b>(f)</b>	<b>Chair of Planning Committee:</b>	
	<b>Allowance:</b>	<b>£6,000</b>
<b>(g)</b>	<b>Chair of Audit &amp; Governance Committee:</b>	
	<b>Allowance:</b>	<b>£6,000</b>
<b>(h)</b>	<b>Chair of Pensions Committee:</b>	
	<b>Allowance:</b>	<b>£6,000</b>
<b>(i)</b>	<b>Chair of Police &amp; Crime Panel:</b>	
	<b>Allowance:</b>	<b>£6,000</b>
<b>(j)</b>	<b>Chair of the Council:</b>	
	<b>Allowance:</b>	<b>£9,190</b>
<b>(k)</b>	<b>Vice-Chair of the Council:</b>	
	<b>Allowance:</b>	<b>£2,750</b>
<b>(l)</b>	<b>Member of Fostering Panel:</b>	
	<b>Allowance:</b>	<b>£5,510</b>

**3. OTHER ALLOWANCES PAYABLE BY THE COUNTY COUNCIL FOR PERFORMING APPROVED DUTIES:**

**[Note 1:** Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 states that payment of travel and subsistence can only be made for attendance at meetings within one or more of the following categories:

- (a) The attendance at a meeting of the Authority or of any committee or sub-committee of the Authority, or of any other body to which the Authority makes appointments or

nominations, or of any committee or sub-committee of such a body;

- (b) The attendance at any other meeting, the holding of which is authorised by the Authority, or a committee or sub-committee of the authority, or a joint committee of the Authority and one or more Local Authority within the meaning of Section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that:
  - (i) Where the Authority is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
  - (ii) If the Authority is not so divided, it is a meeting to which at least two Members of the Authority have been invited;
- (c) The attendance at a meeting of any association of authorities of which the Authority is a member;
- (d) The attendance at a meeting of the executive or a meeting of any of its committees, where the Authority is operating executive arrangements;
- (e) The performance of any duty in pursuance of any Standing Order made under Section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened;
- (f) The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorize the inspection of premises;
- (g) The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996; and
- (h) The carrying out of any other duty approved by the Authority, or the Chief Executive acting under delegated powers, for the purpose of, or in connection with, the discharge of the functions of the Authority or of any of its committees or sub-committees.”

**Note 2:** Members’ homes are regarded as their work base for the purpose of claims and a specified number of visits to Shire Hall each year for

“contact” purposes should be regarded as an “approved duty” for the purposes of travel claims. Further advice will be issued from time to time listing activities for which travel and subsistence may be claimed.

**Note 3:** County Council has resolved that a travel allowance may be payable to County Councillors on journeys to and from parish and town council meetings within their division. This should apply to full town or parish council meetings only and the County Councillor should not be a member of that particular parish or town council.

**(a) Travelling**

**1.1 By Public Transport Services**

The actual fares paid supported by receipts. Members should be reimbursed for the actual cost of a rail ticket up to the cost of an open standard return. Train tickets can be arranged through Democratic Services.

Actual expenditure (receipts should be provided) incurred on:

- (a) Reservation of seats;
- (b) Porterage of baggage;
- (c) Sleeping accommodation on an overnight journey.

**1.2 Taxi-cabs**

Taxi-cab fares (including a reasonable gratuity) may be paid in cases of urgency or when no public service is reasonably available. Receipts should be provided.

**1.3 Member's Private Motor Vehicles**

The rates of allowance shall be in accordance with the HMRC authorised mileage allowance rate.

**1.4 Bicycles**

An allowance of 20p per mile (all mileage) is payable on condition the bicycle is roadworthy, the rider wears protective headgear, appropriate high visibility clothing and has third party insurance.

**1.5 Motor Cycles**

24p per mile (all mileage)

**1.6 Hired Cars**

The rate for travel by a hired motor car vehicle other than a taxi cab shall not exceed the rate which would have been applicable had the vehicle

belonged to the Member who hired it, provided that where the County Council so approves the rate may be increased to an amount not exceeding the actual cost of hiring.

**1.7 Miscellaneous expenses**

Actual expenditure on tolls, ferries and parking fees

Where possible, receipts should be obtained

**(b) Subsistence Allowances**

When attending meetings of the Council or of other bodies, for which Members are entitled to claim travel and subsistence costs, reasonable subsistence costs will be reimbursed (on presentation of receipts) if the meeting started or finished between 12.30 and 14.30 and no food was provided.

No subsistence costs will be reimbursed in relation to attendance at meetings within the Shire Hall complex.

**(c) Carers' Allowance**

A Member may claim a carer's allowance where they have incurred expenditure on engaging a carer for a dependant in order to attend a 'designated' meeting and/or carry out approved duties, subject to the following:

- For an allowance to be payable the dependant being cared for needs to be in one of the following groups:
- A child under 14 years of age;
- An elderly person;
- A person with a physical or mental disability;
- A person with a learning disability;

and live with the Member as part of the Members family and is unable to be left unsupervised.

- A carer (i.e., the person being paid to act as carer while the Member is carrying out their County Council duties) is defined as someone who does not normally live with the Member as part of the Members family and is not part of the extended family.
- Subject to the above, Carers Allowance claims can be made for the actual cost of providing dependent care, with no maximum amount, subject to appropriate auditing procedures being carried out.
- The claim should be included on the standard County Councillors claim form, with a receipt from the carer attached (see Section 4 below).

The Inland Revenue view the payment of carers' costs as a taxable benefit, so any payments will be subject to tax.

## LOCAL GOVERNMENT ASSOCIATION (LGA)

County Councillors who are appointed to serve on the LGA or any of its Committees can claim for mileage/subsistence/fares for attending meetings of those forums.

### 4. HOW DO I CLAIM?

There is no need to claim basic and special responsibility allowances; these will be paid automatically each month.

Claims for travelling and subsistence expenses should be made monthly with all receipts attached. There is a three month time limit on expense claims being presented, with any claims submitted outside of that time limit, not being paid unless agreed by the Chief Executive that the delay was for good reason.

Claim forms in respect of the allowances payable under Section 3 above are available from Democratic Services.

Claims should be submitted promptly after the end of each month otherwise payment may be delayed. Information on payroll deadlines is available from Democratic Services

#### (a) RECOVERY OF VAT ON SOME COUNTY COUNCILLORS' EXPENSES

HM Revenue & Customs have advised us that the VAT element of some types of County Councillors' expenses can now be recovered by the County Council. VAT can be reclaimed where the full cost of expenses are being reimbursed.

The following is a list of the most likely types of expenses where VAT could be reclaimed:

- Hotel accommodation and sundries;
- Full cost of meals, e.g. on trains;
- Car parking and tolls;
- Taxi fares (if driver is VAT registered).

To enable the County Council to recover the VAT, please obtain a VAT receipt/invoice, either made out to GCC or in your name and attach it to your monthly expenses claim form.

#### (b) INCOME TAX

At the end of the tax year, the Director: Strategic Finance has to notify the Inspector of Taxes of the amounts paid during the tax year and a form P60 will be issued to each Member showing details of the information given to the Inspector. When a Member ceases to hold office, a form P45 is issued to the Member, a copy of which is sent to the Inspector.

As part of the Self Assessment arrangements for income tax the Inland Revenue do expect individuals to keep records of pay/allowances received and receipts for expenses, which should be obtained wherever possible.

**(c) NATIONAL INSURANCE CONTRIBUTIONS**

1. Irrespective of any involvement in other employment or office, contributions will be payable at the appropriate current rate.
2. Contributions are to be calculated by reference to the total gross earnings used for tax purposes paid in each pay period, irrespective of the period in which they are earned or relate. The pay period for this purpose will be one calendar month.
3. Members that are over State Pension age, currently 60 for women and 65 for men, do not have to pay employee's contributions. In order for the County Council not to deduct National Insurance, from the Members Allowance, the Member must provide a Certificate of Age Exception. This certificate can be obtained by applying to the National Insurance Contributions Office, a department of HM Revenue & Customs.
5. At the end of the tax year the Director: Strategic Finance has to notify HM Revenue & Customs of the amounts of National Insurance deducted during the year. This will be reported along with the income tax deducted (see 4b above). It will also be included on form P60, with the deductions of tax that will be issued to each Member.

**(d) SOCIAL SECURITY BENEFITS**

H M Revenue & Customs will regard "Member allowances" as a gain from employment. It is important, therefore, that a Member in receipt of any State Benefits (e.g. Job Seekers Allowance or Disability Working Allowance) should inform the payer of the benefits irrespective of whether or not they claim the allowances payable by the County Council.

**5. RENUNCIATION AND WITHHOLDING ALLOWANCES**

- 5.1 A Member who is a County Councillor may by notice in writing to the Director: Strategic Finance elect to forego all or any part of their entitlement to a basic or special responsibility allowance.

The election may be for an amount, which the Member can then require to be paid to a charity (or charities) under the "give as you earn" scheme. There is now no maximum limit which can be paid to charity.

**6. REIMBURSING EXPENSES FOR NON-ELECTED REPRESENTAIVES**

Non-elected representatives who are co-opted onto Council committees may claim travel subsistence and carers' allowances in the same way as elected members of the County Council. This includes but is not restricted to members of the Independent Remuneration Panel (IRP), the Gloucestershire Police and Crime Panel and Independent Persons (Standards).

In light of the time commitment required of the members of the IRP, the following payments will be made on an annual basis:

Chair of the IRP - £1000

Members of the IRP - £250

## 7. FURTHER INFORMATION

Please contact Democratic Services at Shire Hall.

## PROTOCOL ON DECISIONS TO BE TAKEN BY EXECUTIVE MEMBERS

### 1. INTRODUCTION

- 1.1 This Protocol provides a framework within which Executive Members personally will take decisions. The authority for them to do this is in the Scheme of Delegation set out in Part 3, Section 5 of the Council's Constitution.
- 1.2 It forms part of the Council's Constitution and therefore must be followed. Failure to comply with the Council's Constitution or this Protocol would undermine good corporate governance and the legality of decisions.

### 2. CONTEXT

- 2.1 The Rules on Access to Information about the County Council's Formal Business and the Call-in Procedure Rules set out in Part 4 of the Council's Constitution and the law require publication of information
  - 2.1.1 Before and after the Cabinet takes any decisions;
  - 2.1.2 Before and after any key decisions are taken by Executive Members or Officers;
  - 2.1.3 After non-key decisions are taken by Executive Members.
- 2.2 In addition to these publication requirements, information will normally be published in relation to non-key decisions before they are taken by Executive Members.
- 2.3 Key decisions are explained in the Rules on Access to Information about the County Council's Formal Business set out in Part 4 of the Council's Constitution

### 3. DECISION MAKING FRAMEWORK

- 3.1 Publication of information before decisions are taken by Executive Members
  - 3.1.1 Where any decision is to be made by an Executive Member, the Chief Executive, Director or Head of Service will prepare a report about that decision. The information, which must, as a minimum, be included in the report, is specified in the Scheme of Delegation set out in Part 3, Section 5 of the Council's Constitution.
  - 3.1.2 A copy of the report shall be sent to the Head of Democratic Services at the same time as it is sent to the Executive Member. Subject to the Rules on Access to Information about the County Council's Formal Business, the Head of Democratic Services will publish the report as a "decision to be taken" by sending it to
    - (a) Group Leaders;
    - (b) Chairs of the relevant overview and scrutiny committees;

- (c) Relevant Local Member(s);
- (d) The Chief Executive and all Directors;
- (e) Press;
- (f) County Council's web site;
- (g) Remaining Members of the Council by email;
- (h) Political Assistants by email.

3.1.3 Unless the Rules on Access to Information about the County Council's Formal Business set out in Part 4 of the Council's Constitution have been complied with, key decisions by Executive Members will not be taken until at least five days have elapsed after the report has been published by the Head of Democratic Services.

3.1.4 Non-key decisions by Executive Members will not normally be taken until at least five days have elapsed after the report has been published by the Head of Democratic Services. The Chief Executive will decide whether a decision may be taken before five days have elapsed. If it is, that fact and the reason for it, will be published with the report

3.1.5 Publication will normally take place on each Friday afternoon.

3.1.6 In taking the decision, the Executive Member will take into account any representations received since the "decision to be taken" was published.

### 3.2 Publication of information after decisions are taken by Executive Members

3.2.1 The report about a decision will form the formal decision record and an original signed by the Executive Member will be sent by the relevant Officer to the Head of Democratic Services immediately a decision is taken.

3.2.2 The Head of Democratic Services will, on a weekly basis, publish as a "decision taken", a list of all decisions taken by Executive Members since the last list was published.

3.2.3 Publication will normally take place on each Friday afternoon and will be undertaken in the same way as publication of the report.

3.2.4 Decisions taken by a Cabinet Member shall be reported to the next ordinary meeting of full Council.

### 3.3 Calling in executive decisions

The Call-in Procedure Rules set out in Part 4 of the Council's Constitution apply to all decisions taken by Executive Members. The call-in process starts from when the "decision to be taken" report is published.

### 3.4 Proformas

All stages of the Executive Member decisions process will be supported by standard proformas.

### 3.5 Confidential and Exempt Information

In accordance with the Rules on Access to Information about the County Council's Formal Business set out in Part 4 of the Council's Constitution confidential and exempt information will not be published

## 4. REVIEW

This Protocol will be reviewed from time to time by the Constitution Committee which will consider changes to reflect best practice and the highest standards of good governance.

## SENIOR MANAGEMENT STRUCTURE

A diagram of the senior management structure is set out on the Council's website at <http://www.gloucestershire.gov.uk/CHttpHandler.ashx?id=47378&p=0>

## Gloucestershire County Council Petition Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. In the first instance you should always try to speak to an officer in the relevant department or your local county councillor to discuss your particular concerns.

Anyone wishing to organise a petition should contact Democratic Services (Tel: Simon Harper 01452 324202, email [simon.harper@gloucestershire.gov.uk](mailto:simon.harper@gloucestershire.gov.uk)) who will provide advice on the procedures that apply. It may be that in some instances it is more appropriate for issues to be raised in other ways – for example through your local councillor or the complaints process.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 5 working days of receipt, and within 20 working days of receipt of the petition, we will set out what we plan to do with the petition.

Paper petitions can be sent to the address below or be created, signed and submitted online.

Gloucestershire County Council  
c/o Democratic Services  
Shire Hall  
Gloucester  
GL1 2TG

You can also request that your local county councillor presents a petition at a full Council meeting. Dates and times can be found here (<http://glostext.gloucestershire.gov.uk/ieDocHome.aspx?bcr=1>).

Please contact Democratic Services (tel Simon Harper 01452 324202, email [simon.harper@gloucestershire.gov.uk](mailto:simon.harper@gloucestershire.gov.uk)) at least 10 clear working days before the meeting and they will talk you through the process.

To come within the scheme and trigger a response a petition needs a minimum of 25 signatures from people who live, work or study in Gloucestershire. Petitions with fewer signatures can still be submitted but they will not be treated in accordance with this scheme.

If your petition has received 5,000 signatures or more it will be scheduled for a Council debate and, if this is the case, we will let you know when this will take place.

### What are the guidelines for submitting a petition?

Petitions submitted to the Council should relate to a matter which is a function of the Council or relate to the economic, social or environmental well being of Gloucestershire. They should have at least 25 signatures and must include:

- A clear and concise statement covering the subject of the petition and include details of what action the petitioners wish the Council to take.
- The name, the address in Gloucestershire where they live work or study and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons. The Council's statutory officers (Head of Paid Service, Chief Financial Officer or Monitoring Officer) will be responsible for determining the validity of a petition. In addition, the Monitoring Officer can accept signatures from people living, working or studying outside the county border where, for example, there is an issue which is relevant to Gloucestershire and also to an area that borders the county.

#### **What will the Council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within five working days of receiving the petition. Within 20 working days we will provide a written response to the petition organiser.

If the petition affects a particular area the county councillors covering that area will be informed that a petition has been received.

If the petition has enough signatures to trigger a Council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as a school admission appeal, other procedures apply.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will refer the petition to the relevant body and ask that they provide a response to you.

#### **Full Council debates**

If a petition contains more than 5,000 signatures it will be debated by the full Council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Petitions must be received by Democratic Services at least 10 clear working days ahead of the meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for 15 minutes. This may be extended at the discretion of the Chair of Council up to a maximum of 30 minutes.

The options open to the Council are limited. The Council may simply decide to note the petition. Where the issue is one on which the Council executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

## E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within five working days and a formal response within 20 working days.

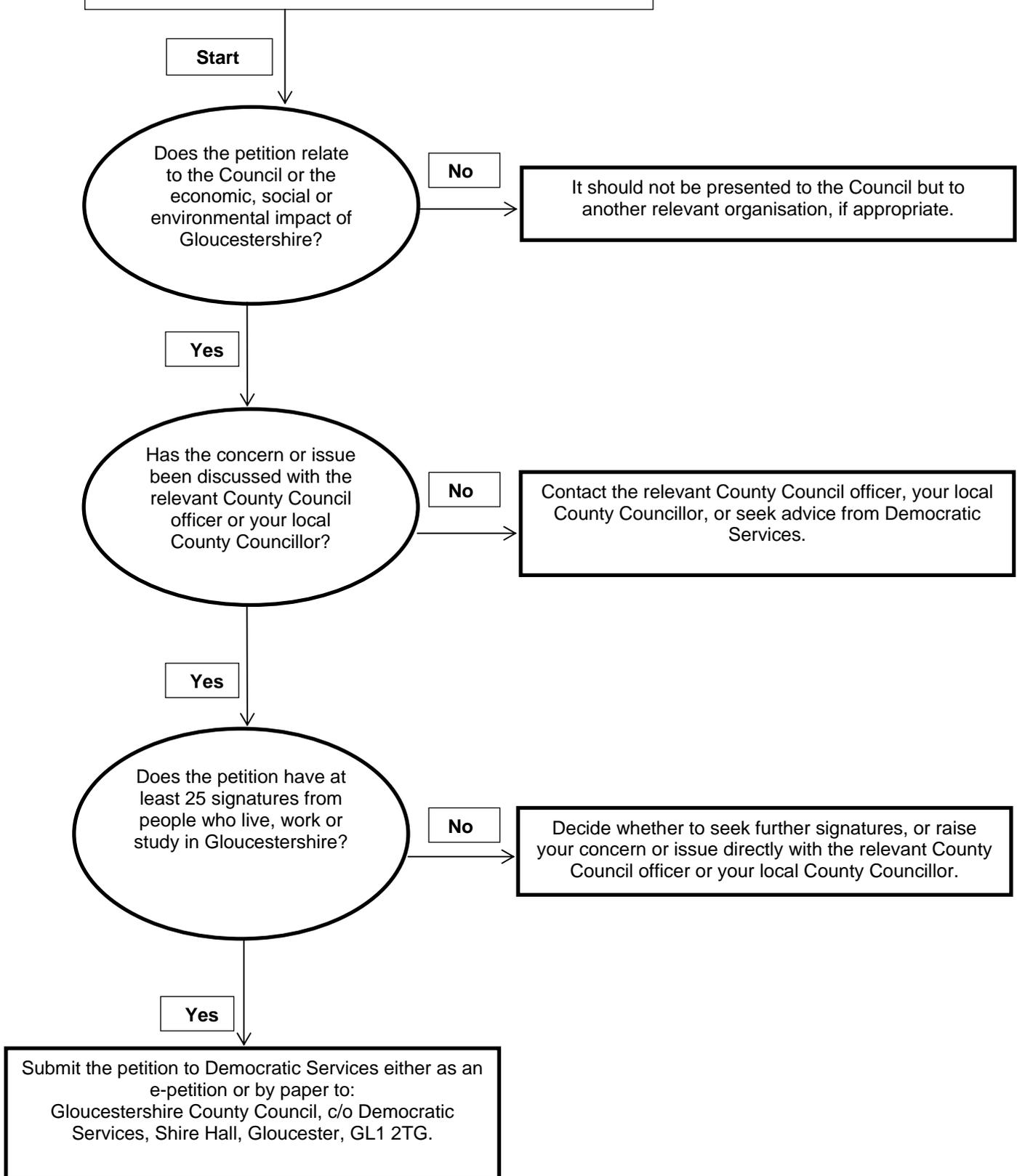
A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information.

E-petitions may be combined at the request of the petition organiser with paper petitions. The wording of both petitions must be the same if the petitions are being brought together to reach the 5,000 signatures required for a debate at full Council.

### How do I sign an e-petition?

You can see all the e-petitions currently available for signature on the Council's website. When you sign an e-petition you will be asked to provide your name, the address in Gloucestershire where you live work and study and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

## How do I submit a petition to the County Council?



**What happens after a petition has been submitted to the County Council?**

