

Protocol on relations between Members

1. Introduction

- 1.1 In each case, behaviour under this Protocol will be judged objectively. That is to say, it will be judged based on what a reasonable person knowing all the facts would conclude from observing the behaviour.
- 1.2 The Council will formally adopt this Protocol for inclusion in the Spelthorne Borough Council Constitution and a copy will be published on the Council website.

2. Interpretation

- 2.1 In this Protocol “Member” includes all elected Members of the Council.

3. Guiding Principles

- 3.1 In addition to the Councillor Code of Conduct, Spelthorne Borough Councillors have indicated that they wish to work towards the following standards:-

Public Behaviour

- Show respect to each other, accepting a presumption that everyone is acting in good faith.
- Not to make personal or offensive comments about each other.
- Not to publish anything insulting about each other.
- Not to make malicious allegations against each other.
- Not to publish or spread any false information about each other.

Behaviour in committees:

- Treat each other with dignity and respect, and show courtesy in all meetings and contacts, both formal and informal.
- Show respect to and comply with the decisions of the Chair / the Mayor and Vice-Chair.

Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Return or securely destroy confidential papers.
- Not to use confidential information for purposes other than intended.

Local members

- Work with any joint ward member and/or members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward:

- Explain to anyone seeking assistance that he/she is not the local member; and
- Inform the local member, unless it would lead to a breach of confidentiality.

4. Political Differences and personal criticism

- 4.1 This Protocol is not intended to restrict or discourage legitimate, political debate. However, it is also in the interests of local people that there are cordial working relationships between members of different Political Groups. These working relationships will be assisted if they are supported by a clear set of guidelines and it is these that this Protocol is intended to provide. The relationship between the members of different Political Groups will also be supported if all Members adhere to high standards of courtesy and mutual respect in their dealings with one another.
- 4.2 As with their relations with officers, in their dealings with fellow Members, it is important that robust debate of the issues at stake can take place without personal criticism of another person who holds a different point of view. Courtesy and civility must be maintained at all times.
- 4.3 Members' integrity should not be questioned by other Members in public in any media and nor should they be subject to any name-calling or abuse. Questioning a fellow Member's integrity is likely to be a particularly serious matter and must never occur unless there is a very exceptional justification; for example, if there is very clear documentary evidence to substantiate any allegation made. Even in these circumstances it will rarely be appropriate to question a Member's integrity publicly without first pursuing other established procedures which are available for the investigation of allegations of ethical misconduct. Members will note the requirement to comply with the confidentiality obligations set out in both (i) the Members' Code of Conduct, and (ii) the Council's Arrangements for dealing with allegations of misconduct).
- 4.4 The principles contained in this section must be adhered to in meetings of the Council and any Committee meeting, or any other meeting at which members of the public or third parties are entitled to be present. This principle must also be observed in all dealings with the press and other media which should not under any circumstances be used to undermine or personally criticise fellow Members whether or not those Members are named or identified in any press or other media article or briefing.

5. Meetings between Group Leaders

- 5.1 The Leader of any Group may request a meeting with the other Group Leader(s) at any reasonable time to discuss issues relating to current and/or forthcoming Council business, or any issues engaged by this Protocol. Following such a request, the Group Leaders will use all reasonable endeavours to meet as soon as is reasonably practicable thereafter.
- 5.2 Actions agreed at these meetings will be noted (unless the Group Leaders agree otherwise). The record of the meetings may be made by an officer appointed by the Monitoring Officer who, if not present for the whole meeting, will be invited in to record the agreed outcomes and actions.

6. Members' access to information and to Council documents

- 6.1 This is covered in the Council's Constitution in the Access to Information Rules (part 4(g)) and in the Member – Officer Relations Protocol (part 5(c)).
- 6.2 Members may share with other Members of the Council (but not third parties) exempt information unless expressly prohibited from doing so by the person or body providing the information but must ensure that any recipient Member is aware that the information may not be disclosed to any party outside the Council (see paragraph 7.3 below).

7. When things go wrong

- 7.1 From time to time the relationship between Members may break down or become strained. Whilst it will always be preferable to resolve matters informally through conciliation, and if necessary with the informal assistance of the Group Leaders, this is not always possible. Where this is the case, and a Member reasonably considers that another Member has acted in breach of this Protocol, the procedure in paragraph 7.2 will be followed.
- 7.2 If attempts at resolving matters informally have not been successful where a Member reasonably considers that another Member has acted in breach of this Protocol, then:-
 - (a) the Member must make a written complaint to the other Member and copy that complaint to the relevant Group Leader(s). This must specify all incidents that the complainant intends to refer to, accompanied where reasonably possible by evidence in support, and set out the alleged breach of this Protocol;
 - (b) the Member who has been complained about shall (within 10 working days) respond in writing to the complainant and copy that response to the relevant Group Leader(s);
 - (c) the relevant Group Leader(s) shall (within 10 working days (or as soon thereafter as is reasonably practicable)) meet to discuss the complaint. If they both/all consider that the complaint is unreasonable, frivolous, or vexatious, that shall be the end of the matter and the Group Leaders shall inform the complainant accordingly.
 - (d) If they both/all consider that the complaint is of a technical or minor nature, they may invite the Member who has been complained against to make a written apology, in a form (and within a timescale) agreed between the relevant Group Leaders. Once that apology has been made that shall be the end of the matter unless the Member subsequently acts in a manner at variance with that apology;
 - (e) If any of the relevant Group Leaders considers the complaint is of a more serious nature than mentioned in the previous paragraph, or if the Member complained against fails to give the requisite apology, the relevant Group Leader(s) shall agree a suitable course of action which may include referral to the Monitoring Officer (if the threshold for dealing with allegations under the Councillor Code of Conduct has been reached);

- (f) both the Complainant and the Member complained about shall be advised in writing by the relevant Group Leader(s) of their decision;
- (g) a Complainant may at any time withdraw a complaint by notice in writing to the other Member and copy that notice to Group Leaders.

7.3 Exceptions may be made to the procedures set out in paragraph 7.2 above if to do otherwise would conflict with the Council's policy on "Whistle blowing" or potentially prejudice a criminal investigation (whether in progress or reasonably contemplated in the future) or the complaint relates to a breach of the Councillor Code of Conduct where it shall be lodged as a formal complaint and the arrangements for dealing with allegations of misconduct shall be followed.

8. Complaints made during the Pre-Election Period

8.1 Complaints made by Members about other Members in connection with electoral matters in the run up to local elections (and any other relevant election) will be dealt with in accordance with the relevant legislative provisions that apply to the conduct of elections and in majority of the cases will require referral to the Electoral Commission.