

# Committee Model Working Group Agenda



**Date:** Friday, 8 September 2023

**Time:** 9.30 am

**Venue:** The Biera Room, 1st Floor, City Hall, BS1 5TR

## Distribution:

**Councillors:** Jenny Bartle (Chair), Nicola Beech, Marley Bennett, Richard Eddy, Lorraine Francis, Geoff Gollop (Vice-Chair), Helen Holland, Gary Hopkins, Tim Kent, Mohamed Makawi, Steve Pearce and Guy Poultney

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**Date:** 07/09/2023



## 5. Public Forum

Please note the following public forum deadlines apply:

**(Pages 3 - 9)**

- Statement must be received no later than 12.00 noon on Thursday 7<sup>th</sup> September.
- Questions must be received no later than 5pm on Monday 4<sup>th</sup> September.



# Public Forum

Committee Model Working Group

8<sup>th</sup> September 2023



Questions	
Number	Name
PQ01	David Redgewell
PQ02	
PQ03	Dan Ackroyd

Statements	
Number	Name
PS01	Clive Stevens
PS02	Dan Ackroyd
PS03	Suzanne Audrey
PS04	David Redgewell

## Questions

### Q1 – David Redgewell

I view of the importance of the west of England mayoral combined Authority and investment in the city region With the levelling up bill And the powers of the Metro mayor Dan Norris when will the committee invite the metro mayor to a question and Answer secession of the committee. and the Region Transport Authority functions of the west of England mayoral combined transport Authority. Over bus services Demand responsive bus services. Metro west railway services. And stations New stations. Ferry services Bus and coach stations and interchanges. Strategic Highways Regional planning and Housing functions. With Bristol city council Transport staff Being transferred to the west of England mayoral combined transport Authority. Once the level up act is pasted North Somerset council becoming a full member of the west of England mayoral combined Authority and the merger of the local Enterprise partnership. And a Devolution deal for the mayoral Elections in May 2025.

**A1 –** The CMWG have been briefed about the West of England Combined Authority at its recent meetings. There is currently no intention to invite the WECA Mayor to a meeting of the CMWG.



## Q2 – David Redgewell

**What discussion has the committee had with the Regional organisation that the city and county of Bristol council is member of in south west England.**

Western gateway transport Board. Which covers the west of England mayoral combined transport Authority and North Somerset council. Gloucestershire county council, Wiltshire council Bournemouth Poole and Christchurch and Dorset And works partnership with the Peninsula transport Board covering Devon and Cornwall Torbay and Plymouth on Regional transport issues And Swindon. with National Highway Network Network rail western and Wessex routes Region bus and coach operators like National Express coaches and Megabus Falcon Scottish city link Flexibus. Port and Airport Authorities.

Western Gateway partnership Made up of Wiltshire Swindon Gloucestershire council West of England mayoral combined Authority Banes council, South Gloucestershire county council North Somerset council and the city and county of Bristol working on Transport planning and economic Development with Welsh local council And The Welsh government and Transport for Wales and UK government.

The integrated care commission for Bristol city council North Somerset council and south Gloucestershire council with the NHS And the integrated care Board for Banes and Wiltshire Swindon.

**A2** – It is anticipated that strategic briefings will be given by the Council’s Chief Executive to key external partners over the coming months as part of the transition to the new arrangements.

## Q3 – Dan Ackroyd

I think there are a few things missing from today's agenda.

I am very concerned at how poor Bristol Council is handling FoI requests and publishing information in general. There currently seems to be a culture of secrecy by default, and while that may currently be a result of the mayoral system, I lack confidence that the situation will be better under a committee system.

To me, it seems quite likely that whether some information can, should or must be published is going to be a source of conflict for any administration formed of multiple political views. I have no idea of how to avoid or resolve those conflicts, but I would hope this committee could form a working group to look at this particular problem in greater depth than can be talked about today.

There are other things missing from the 'Member Officer Protocol' document that I don't fully understand, so to quote someone who 'rolls around' on Twitter.

"Whistleblowing, public interest, human rights etc don't get a mention. This is a dubious document shifting large amounts of power to an unelected bureaucrat. A bureaucrat with a 'not great' track record to boot. It's 'a not great situation'. Those sound like important things. Again, I would hope this committee could form a working group to look specifically at those specific issues now, as trying to figure them out on the fly after the next elections sounds too late.



But I think the setup Bristol Council has with a monitoring officer is fundamentally problematic and is actually a Code of Conduct violation by itself.

It behooves us all to remember that lawyers and 'Monitoring officers' are people no matter what names we call them by. Like most normal people, they just want to get to the end of the week so that they can enjoy the weekend with their family, and they want to get through their career without any scandals being revealed near them, or any politicians feeling like the monitoring officer is an 'enemy'.

Many situations where a monitoring officer needs to make a decision are going to be 'politically fraught', i.e. at least one of the political parties or organisations with powerful connections, are likely to see any decision taken either as a win or a loss, which is going to have repercussions for the monitoring officer.

I think it is morally wrong to setup a system, that puts an expectation on an officer to damage their own career. I think this also sounds like a system that isn't going to work very well.

Although the 'Referendum on how Bristol City Council is run' was to change from a mayoral to a committee system, I think most Bristolians would hope that you take this opportunity to make more fundamental changes.

The City of Bristol has been run terribly for more than just the last couple of administrations. We as a city are fundamentally 'not good' at making decisions. No matter which political party is in power now, or is likely to be after elections, we need to get better at running this city.

### **What is this committee going to do to avoid having so much power in one unelected person's hands?**

**A3** – Bristol City Council, like any other Local Authority, is required by law to appoint one of its officers as its Monitoring Officer. The Director of Legal and Democratic Services has been designated as the post holder who discharges the responsibilities of the Monitoring Officer at Bristol City Council. Those responsibilities are no different to those at any other Local Authority, details of which can be found in article 13.03 of Part 2 of the Council's Constitution.

## **Statements**

### **PS01 – Clive Stevens**

I appreciate there has been some public debate about the Councillors' Code of Conduct and holding councillors to account for what they do and say. I hope the Working Group will respond to that but I wouldn't want you to throw the baby out with the bath water.

I was on the Ethics Committee in 2019. We worked cross party for many months to get clause 2.1 (councillors behaving with integrity) just right. It is a balance between accountability for behaviour but not bringing in a gagging clause. The Monitoring Officer and his team helped.



The 2019 clause, still current, reads: “a) Ensuring that all my activity in my role as an elected member promotes the integrity of the role of a Member at all times and does not bring that role into disrepute, whilst recognising my legal rights and privileges, for example my right to freedom of speech.”

It does not say, councillors must not bring the local authority into disrepute and that clause should not be put in. Sometimes a local authority, in all its activities, comes out with an unpopular or even a disreputable plan, decision or policy; at least in some people’s eyes. It is the role of the councillor to point this out, they shouldn’t be gagged and I fear that any changes to the current wording might allow that to happen.

Academic research was done 15 years ago when the “councillors do not bring the local authority into disrepute” clause was then mandatory. The researchers found: “it was widely perceived that councillors made misconduct allegations about political opponents, which were often viewed dismissively as little more than a playing out of “tit-for-tat” personal or political animosities.... According to some interviewees, ethics regulation was perceived as being used by those in power to curtail the political activities of others, not just between local councillors but also practiced by senior officers”. The Government made the disrepute clause optional in 2012.

I think the current wording of clause 2.1 strikes the right balance. By way of contrast, the LGA Model Code is not so clear. On page 3 (4th bullet point) it reads, “I lead by example and act in a way that secures public confidence in the role of councillor.” That’s fine.

But then at 5.1 (p6 of 16) the LGA write, for councillors; “I do not bring my role or local authority into disrepute. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public’s confidence in your or your local authority’s ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.”

The above wording is bad, it could be used as a gagging clause if so desired and research shows it has been. Additionally the example at the end about dishonesty or deceit would bring the role of the councillor into disrepute as well so doesn’t illustrate a difference.

The need is to create a test so allegations can be filtered. Whether this is an interest test as suggested in your document today I don’t know, in the interest of whom? If it is the public interest, the public won’t want councillors gagged unfairly. The clause and test must differentiate between the disrespecting role of councillor and the role of the local authority.

In summary: Councillors must be able to hold the Council/Local Authority to account. If that means pointing out something that brings the Local Authority into disrepute, so be it; that is a councillor’s job. Whereas, if they do or say something that brings the role of councillor into disrepute, then that is an entirely different thing and could rightly trigger an investigation – thank you for your time.



## PS02 – Dan Ackroyd

As I get older, events appear to be happening ever faster. Less than two weeks ago, the breaking news was that the Rt Hon Michael Gove MP was thinking about talking a closer look at the Broadwalk Shopping Centre planning application.

That news was overtaken when the government announced a change in policy, with a "Nutrient Neutrality amendment", which to be honest, I don't fully understand. But I do understand it appears to be a government boon to property developers. That caused a bit of a scandal when those "lovely people" at the RSPB called out that behaviour for how they saw it.

Then a few days later, it was revealed that across the country many schools were built cheaply (though hopefully none Bristol) and they should have been renovated 30 years ago. But they haven't been. That again displaced the previous hot news.

At some point in the past couple of weeks, the archive webcast of "Development Control A Committee" on the 9th of August, the one that showed a strong disagreement about the minutes of a previous meeting disappeared from the internet.

Those are all quite peculiar events. I have to say, it seems like a lot of problems in this country seem related to property developers having too much influence. For example for the question "where would be a good place to build an Arena and spend huge amounts of infrastructure money?", maybe listening to property developers wouldn't get the best answer.

But closer to home, there is some even more shocking news. Councillors Beech and Pearce will apparently not be standing at the next election! I am shocked. Both Nicola and Steve have been contributing passionately to this committee so I had assumed we would be enjoying their company for years to come.

This statement is to let you know what a question I'm planning to ask at the next meeting. Because it's going to be a difficult topic, that you probably need a few weeks to think about.

There's an argument that councillors who are stepping down shouldn't be in this committee. The only recourse Bristolians have for bad political decisions is to vote the politicians who make those decisions out of office. If a politician is already stepping down, then there is no recourse that the electorate can have. On the other hand, someone not running for office is theoretically liberated to act in the interests of the electorate, compared to politicians who will be running again. I think this is something that was missed in the Mayoral Referendum.

We, as a city, just haven't thoroughly thought through would be the effect of politicians being in office, when they can't be 'punished' by being voted out.

The question, for next time, is going to be "What should we be doing about this?". Please spend some time over the next few weeks thinking about it.



### **PS03 – Suzanne Audrey**

According to the Local Government Association, the fundamental aim of the Councillor Code of Conduct is to create and maintain public confidence in the role of councillor and local government. The codes of conduct under discussion seem generally fine, but it is the interpretation and enforcement that appears to be the problem.

There seems to be reluctance to take action when a 'reasonable member of the public' would consider that the code of conduct has been breached, with a tendency to 'close ranks' rather than implement the code of conduct.

I was struck by Cressida Dick talking to the Archbishop of Canterbury recently. They agreed that, in their respective institutions, putting loyalty above transparency had eroded public trust (and led to some appalling behaviour).

I think we can probably all think of instances in Bristol City Council where loyalty (between members or officers or both) has been put above transparency, and above the application of the code of conduct.

The LGA Code of Conduct includes: "I undertake Code of Conduct training provided by my local authority."

I may have missed it but I can't see a similar statement in the current Bristol Member Code of Conduct (except for training after there has been a complaint). There is reference to member training in the Member/Officer protocol but it is not clear if it specifically relates to the Nolan principles.

Is it possible to include a requirement for training on the seven principles of public life in Bristol's Councillor Code of Conduct, and to ensure that training is fully implemented (not just 'read this and sign here') for all councillors when they are elected, with regular 'refresher' courses?

### **PS04 David Redgewell**

Whilst we welcome the work so far on the committee system we note from the minutes of the last meeting whilst the west of England mayoral combined Authority act of Parliament and the on going levelling up bill was discussed and the Devolution deal that will see both the Local Enterprise Partnership and North Somerset council join the west of England mayoral combined Authority By 2025 Mayoral Elections were discussed. Our concern is that the other Regional agencies have not been discussed and their role of the city and county of Bristol and Bristol city Region being the powerhouse of South west England. Today in Parliament Wednesday 6th September 2023. The western Gateway partnership is in the UK parliamentary discussing the need to fund upgrading the RAILWAY Between Cheltenham spa Gloucester central Weston-super-Mare Cardiff central Bristol Temple meads Bristol parkway Swindon and London Paddington.

With it Regional RAILWAY connectivity report. But other work has been on Regional Transport economy Development of the airspace industry Investment in ports like the Port of Bristol. The Banking sector, Tourism. Hinkley point Investment and training The Battery factory at Woolverton





near Bridgwater Somerset. Higher education and universities. Investment by UK government in our Regional economy growth skills transport and infrastructure.

The western Gateway partnership Board covers city and county of Bristol West of England mayoral combined Authority, South Gloucestershire county council, North Somerset council, Banes council, Wiltshire Council, Swindon Borough Council, Gloucester County Council and District Councils Newport and Cardiff Councils And the Welsh government.

The western Gateway Transport Board covers the city and county of Bristol North Somerset council Banes and South Gloucestershire county council. West of England mayoral combined transport Authority metro mayor Dan Norris. Wiltshire Council, Gloucestershire county council, Dorset Council Bournemouth Poole and Christchurch Borough Council. This Board works with peninsula Transport Board covering Devon Cornwall Plymouth and Torbay.

With Economy development and the local Enterprise partnership becoming part of the west of England mayoral combined Authority with North Somerset council. The city Region is a very important role in developing business and skills and Economy growth.

Whilst the commission appears to look at the day to day running of Bristol city council from Parks and Gardens to Trees in the Harbour, to housing and social services, Waste and bin collection housing Social services public toilets, and cleaner street and graffiti removal delivered to community and schools. Planning which is also a regional function for the west of England mayoral combined transport Authority, or Neighbourhood forums or parish Councils.

It is not clear where once the mayor office is abolished were and who will be responsible for working with the mayor of the west of England mayoral combined Authority and North Somerset council and metro mayor Dan Norris on the Growth and Development of the city Region and the wider Region.

Will this be through a Role on an economic growth and Regeneration committee also looking at jobs employment and Tourism. Or also be the responsibility of the leader and Deputy leader of Bristol city council with Northern partnership and Transport for the North. The midland Engine and a new mayoral combined Authority for the North East of England and the East Midlands.

We are very concerned that the issues of Regional governance being brought forward by the secretary of state for levelling up. Michael Gove MP and secretary of state for Transport would see clear Regional organisations in Bristol city region that Bristol city council new committee structure is playing clear part in the Regionals agencies and government bodies.

I hope this issue is being clearly addressed as business in clear investment partners to create the city Region wealth employment and Economy growth and skills to allow the city to invest in public services including park and Gardens and Trees, the historical built environment.

We very much like to understand how the city council is going to work the west of England mayoral combined Authority and mayor Dan Norris. On the promotion and planning of Economy development and Transport of the Region.

