

Values and Ethics Sub-Committee

Supplementary Information



Date: Monday, 25 September 2023

Time: 12.00 pm

Venue: A Committee Room - City Hall, College Green, Bristol, BS1 5TR

5. Public Forum

Up to 30 minutes is allowed for this item.

(Pages 3 - 25)

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on **19 September 2023**.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **22 September 2023**.

Up to 30 minutes is allowed for this item.

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Issued by: Allison Taylor, Democratic Services
City Hall, Bristol, BS1 9NE
Tel: 0117 92 22237
E-mail: democratic.services@bristol.gov.uk
Date: Friday, 22 September 2023



Public Forum

Value & Ethics Sub- Committee

25 September 2023 at 12pm



1. Members of the V&E Sub Committee

Questions		
Number	Agenda Item	Name
1	6 – Summary of Complaints against Councillors	Mike Oldreive
2	6 – Summary of Complaints against Councillors	Jen Smith
3	6 – Summary of Complaints against Councillors	Joanna Booth
4	6 – Summary of Complaints against Councillors	Suzanne Audrey
5	6 – Summary of Complaints against Councillors	Dan Ackroyd
6	6 – Summary of Complaints against Councillors	Lesley Powell



Statements		
Number	Agenda Item	Name
1	6 – Summary of Complaints against Councillors	Clive Stevens
2	6 – Summary of Complaints against Councillors	Jen Smith
3	6 – Summary of Complaints against Councillors	Sian Ellis-Thomas
4	6 – Summary of Complaints against Councillors	Lesley Powell
5	6 – Summary of Complaints against Councillors	Mike Oldreive

Questions for Value & Ethics Sub-committee,

Monday 25 September 2023

From Mr Mike Oldreive

Dated 18/09/23

Agenda item 6- Summary of Complaints Against Councillors

1. Is the MO confident that his team is working efficiently and effectively on the complaints process and that proper arrangements are in place for managing & recording member complaints?

2. Does the MO believe that the report by HOLS is of an acceptable standard and level of detail to provide members with all the information they need for effective scrutiny of the member complaints process?

[The report misses out key information needed for robust performance management of the Member complaint process and for scrutiny (eg time taken to resolve complaints). I would expect this information to be reviewed by the MO on a regular basis to improve the complaints procedure.]

3. Why does the HOLS report not disclose whether performance targets set by the Council have been met? Council policy is that a response should be given in 20 working days.

4. What was the response time for each of the cases in the HOLS report & what were the reasons for any delays above the agreed deadline (20 working days)?

5. Can the HOLS confirm that every complaint about a councillor received has been included in her report? [I am concerned about the quality of record keeping by the MO and his team, as I can't identify my complaint from the dates/refs given]

6. Complaints Rejected- does this mean they were not a valid complaint? (i.e., failed the first stage of initial assessment)? What were the reasons?

7. Can you provide more detail on the cases identified as "No further action"? What were the specific reasons identified, as per the Complaints policy?

8. What procedures are in place to ensure that actions agreed as part of "informal resolution" take place? How are they followed up by the MO and what happens if the member involved does not comply? [the policy does not explain this]

9. Can the MO confirm that Members have complied with and fulfilled all the actions agreed for the informal resolutions noted in his report? If not, what action has been taken by the MO?

10. Can the MO provide a clear statement that he is confident that no conflict of interest existed for any of the cases presented in the HOLS report and that this has been documented on each case before any complaints work has taken place?

11. Para 7 "no complaints have been upheld during this time". How does this wording fit with the Council's policy and LGA guidance? Does the HOLS mean that "no complaints have been investigated...?"

Revised Complaints Procedure

12. Why have the Monitoring Officer (MO)/Head of Legal Service (HOLS) not mentioned that the review of the Member complaints Procedure is required as part of the Agreed Actions from an LGO investigation (dated 23.06.23)?

13. Were members of V&E aware of this? Why is the MO withholding key information, including poor performance, from Members?

14. Why has the LGO complaint & findings (and any others) not been reported to V&E along with the other information on member complaints in the HOLs report?

Independent Person(s)

15. Is the identity of the IP kept confidential? How does this square with transparency?

16. Other Councils publish the criteria for appointment of the IPs, their names and CVS. Will BCC commit to this?

17. How is V&E committee involved in appointment of IPs? Is this purely the decision of the MO?

18. Can the MO confirm that he has fully met the statutory responsibility to appoint an IP during the period of the HOLs' report? During the period July- November 2022 how many Independent Persons were in place, and who were they? (Please provide the length of tenure of each, if they were not available for the whole period.)

19. The policy is not clear about the use of an IP: "The Council has appointed 3 Independent Persons from outside the Council to assist the Monitoring Officer in considering complaints. This is statutory requirement under S28 of the Localism Act 2011."

Is it a statutory requirement to appoint 3 IPs?

"3.2 The Independent Person must be consulted at various stages in the complaints process: The Independent Person should be consulted on an allegation and should be given the option to review and comment on 1. allegations which the Monitoring Officer is minded to dismiss as being malicious, without merit, vexatious or trivial. 2. whether to undertake a formal investigation."

20. Can the MO confirm that BCC is adopting a policy of the IP being involved at all stages of each complaint? (This is not a requirement under statute/LGA guidance).

Conflicts of interest

21. Is there a clear pro-forma process for sign off on conflicts of interest on the part of the Monitoring Officer and other BCC Legal team members involved in Member complaints process - before proceeding with any complaint is there a clear statement from the MO that potential conflicts of interest (and their perception by outside parties) have been considered, and is this signed off by the MO?

Can the MO provide a copy of this document, if it exists?

[it would be standard practice in other professional settings for conflicts of interest to be considered, and the process fully documented, before any significant work is carried out].

Politically motivated complaints

22. Is there a clear definition of "politically motivated" complaints, particularly as relates to members of the public?

[There is no definition in the policy and no information on the Council's website. *[LGA guidance on Member Complaints handling states: "The assessment criteria that the authority adopts should be made publicly available on its website."]]*

Public Interest Test

23. The BCC revised policy refers to a public interest test. Is there a "public interest" test and where is this documented?

[It is not on the Council's website. It is LGA best practice to provide this.]

Wording at Para 4.4

24. "The Monitoring Officer may refer a matter for other action where it would not be in the interests of good governance to conduct an investigation. Examples of other action include training, conciliation and mediation or changes to council procedure "

Can the policy be revised to explain good governance and provide examples where it would not be in the interests of good governance to carry out an investigation? [As it stands the policy appears to presume in favour of informal resolution, which is not in the spirit of the LGA guidance?]

25. Para 4.4 refers to "other action". Does this mean informal resolution? Can this be amended?

Confidentiality

26. Para 4 states " All complaints will be treated as confidential to enable a fair process to be followed. The parties to the complaint must not publicise the fact or content or the complaint or the outcome without the agreement of the Monitoring Officer"

If everything that is the subject of the complaint is documented and in the public domain on social media (eg Twitter) then is it reasonable for a Councillor to expect confidentiality, in terms of the complainant solely publicising that a complaint has been made?

27. Not allowing a member of the public to publicise the outcome of a complaint is essentially imposing a Confidentiality Agreement (NDA) on members of the public. Does the Council have legal powers to do this?

How is this appropriate ethically? How does it help good governance? How does it meet the Nolan principles?

Agenda item 7 -Member Code of Conduct

LGA Guidance

28. Why has the MO not complied with LGA best practice guidance for almost 3 years?

Is this an acceptable standard for a major local authority in the UK, that claims to be setting global policy?

[LGA guidance and best practice points were issued in Dec 2020] [**This recommends:** “Review of code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities”? (member complaints procedures have not been reviewed since 2012)]

BCC External social media Policy

29. Why is the Council’s social media policy not linked to the Member Code of Conduct, given that several complaints relate to social media?

30. Will the Council update its Social Media Guidance to Members to fully reflect the comprehensive LGA guidance?

[This is currently a 1-page document that focuses solely on the behaviours expected from the public and not those expected by Councillors or staff.]

Q1. How do those making a complaint know an independent person has been consulted?
We receive no evidence of this whatsoever.

Q2. How can members of the public know this person is genuinely independent? We are given no information on who has been consulted not what makes them independent

Jen Smith

Hi Democratic Services,

I am sending you the following questions for the V&E committee. Please confirm receipt when you can.

Questions:

I note that in the Cabinet response to the Bundred review, members were reminded of the following:

The Council has a duty under the Local Government Act 1999 to put in place proper arrangements for:

- *the continuous improvement of the authority's functions*
- *the governance of the authority's affairs, which includes arrangements for the management of risk.* <https://democracy.bristol.gov.uk/documents/s13847/12%20Response%20to%20the%20Bundred%20Review%20-%20Cabinet%20Report%20Exec%20Summary%20160517%20v2.pdf>

All my questions are intended to better understand the risks the council is putting the public's money and services in by not adhering to rules and laws about member conduct. We have seen in Birmingham the effect of not adhering to what is legally required.

1. What procedures does the council have in place to manage conflicts of interest when the monitoring officer is involved in the decision being complained about?
2. How can the public ensure the complaints procedure is complied with when all the factors of cases, including the members involved, are kept confidential?
3. How does the legal team and the monitoring officer ensure that the complaints procedure is adhered to by the members and officers who have been found to have breached their code of conduct?
4. How many complainants have been told to keep the outcome of their complaint confidential over the last 12 months?
5. At July's audit meeting, there was reporting of a revised Conflicts of Interest Policy and Gifts and Hospitality Policy; How does that affect the current members who have not updated their register of interests for years and have in that time become directors of companies or even accepted money from the council for their companies?
6. In December 2022, I was told by the head of legal services that there was a private register for members' interests. This would go against the legislation that requires the website be maintained by the monitoring officer and for it to be public. Can you let me know whether there is still a private register for members interests and how many members have separate items disclosed publicly and privately?
7. Does the new policy address the legal requirement for the monitoring officer to maintain a public register of interest on a public website?

I will be attending the meeting and I would like written answers before the meeting.

Thank you,
Joanna, resident

Joanna Booth
Journalist

I would like to submit the following questions to the Values and Ethics Sub-Committee on 25th September

In relation to the draft procedure for complaints about breaches of the code of conduct, this seems almost entirely dependent on the opinion of the Monitoring Officer who almost always concludes that no further action should be taken.

1. Who is the 'independent person' invited to give their views prior to the initial assessment being finalised? In the interests of transparency, this person or at least their post should be identified.
2. The table shows the response to the majority of complaints is 'no further action taken' but we have no idea why. Should there not be a column indicating why no further action was taken?
3. I am aware that where one informal resolution recommended the member apologise to a member of the public, no apology has ever been given. As well as a column explaining the decision, should there be a column indicating if the proposed resolution was completed e.g. training undertaken, apology given.

Best wishes
Suzanne Audrey

Hi,

Please find my questions for this committee meeting below.

Questions 1

I think it would aid the work of this committee if the amount of time taken to process complaints was listed in the 'Summary of Complaints' presented to this committee.

The current complaints process says: "The Monitoring Officer will consider the allegation within an average of 20 working days"

My understanding is that the complaint that has a date of decision of 16/12/22 was made on 18th July 2022, which I believe is 108 working days.

I know that a complaint that was received on the 28th July 2023 had decision made on the 18th September 2023, which I believe is 37 working days.

I do not have faith that complaints are being dealt with in a timely fashion, and I do not think this committee has adequate information to be able to judge whether they are.

Obviously, some complaints would take longer than one might hope. It could be useful to this committee to know why some complaints were not considered in a timely manner, for example due to complicated nature of allegations or people being on holiday or otherwise slow to respond, so as to be able to determine if slow decisions are justified or not.

Does this committee agree that the process could be improved by adding those pieces of information to the 'Summary of Complaints' report?

Question 2

In the document "Appendix 2 Draft Procedure for Member Complaints" it is written: "The Council has a clear and straightforward public interest test"

Where is that documented please?

Question 3

Is it acceptable for the monitoring officer to attempt to bind complainants into confidentiality in the decisions taken?

Question 4

I don't know the full facts of the SEND scandal in Bristol council.

But my understanding is as follows:

- * Bristol City Council was performing terribly in providing adequate SEND provision.
- * Some parents were complaining about how terrible BCC are.
- * Following this, some Officers who are on very high salaries were spending their time looking at the social media of those parents for 'evidence' that could be used against them.
- * On the 18th October 2022 in a 'Golden Motion' Full Council called for an investigation, which hasn't happened and doesn't seem likely to happen.

This seems manifestly unjust on multiple levels.

First, Bristol City Council failed to provide an adequate service which has hurt children by failing to provide their educational needs.

Second, instead of admitting the harm done, and working to either alleviate or remediate the damage done Bristol City Council appears to have 'circled the wagons' and are hoping that the individuals involved don't have enough resources to sue the council.

You've got to do better than this.

What can be done to stop people who have already suffered enough harm from suffering more harm? Would it be possible for independent legal advice to be arranged to be given to people who have suffered harm, so that they don't need to fund the legal cost of challenging BCC's poor performance themselves? Can their ongoing complaints be prioritised rather than slow-walked by the legal department?

Response – The Questioner has been informed that this is not a matter for which this Sub-Cttee has responsibility and it should be directed to People Scrutiny.

Question 5

How should the people of Bristol have confidence that the 'independent person(s)' will act in the interests of the people of Bristol, and not favour avoiding scandals?

I realise that it would not be reasonable to publish their names, but at the same time, what is to prevent the monitoring officer from choosing someone who wouldn't be able to provide an independent point of view? More fundamentally, how do we even know they exist or are consulted during complaints?

Question 6

In some cases, the monitoring officer might recommend that a councillor provides a personal apology. But there appears to be no guarantee that the councillor would actually make that apology, or that the apology wouldn't be a 'non-apology'.

For those that don't know the term, consider the difference between "I apologise for the offence I caused you" vs "I apologise for any offence taken" or see

[https://urldefense.com/v3/ https://en.wikipedia.org/wiki/Non-apology_apology_!!KUxdu5-bBfnh!-4aK913XVT8rLIF6xz49993bcQdb1j8Z6slmZrRcSVkHQqGKyakTreCTyFMRuwwLyVhqfA2AeQaRAU9O5srmW8Od2x9rzJe2\\$](https://urldefense.com/v3/https://en.wikipedia.org/wiki/Non-apology_apology_!!KUxdu5-bBfnh!-4aK913XVT8rLIF6xz49993bcQdb1j8Z6slmZrRcSVkHQqGKyakTreCTyFMRuwwLyVhqfA2AeQaRAU9O5srmW8Od2x9rzJe2$)

Is it an acceptable situation that the resolution of a complaint can be optional, and could be done in a way that avoids giving a meaningful apology?

cheers
Dan
Ackroyd

Lesley Powell

Vice Chair of the Friends of Redcatch Park

Question for Public Forum at Values & Ethic Committee Meeting – Mon 25th September

Question:

With only a table summary of complaints and brief description of ‘resolutions’ available to us members of the public, it is difficult to understand how this committee determines whether complaints are being robustly investigated by the Monitoring Office, such that they are given the appropriate scrutiny to determine whether the complaint is valid, whether there are repetitive behaviours and that the penalty for those found to be in breach is a suitable deterrent?

2. The current Member Code of Conduct was adopted by the Council in 2019 and has been in force since the May 2021 elections (originally scheduled for May 2020, but postponed due to the Covid-19 pandemic).

Section 4 LGA Model Code of Conduct

4. Publish a clear and straightforward public interest test against which allegations are filtered.

Appendix 1 – Current from May 2020

2.1 Behaving with integrity

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.

2.2 Respecting others

Appendix 2 – LGA Code

I lead by example and act in a way that secures public confidence in the role of councillor.

5. Disrepute

As a councillor:

5.1 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.

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.

Notes from Cowell 2014 paper Ethics Regulation

P4/11 - Moreover, the government sought to regulate broader categories of behavior, such as treating others with respect and not bringing the local authority into disrepute, which require demarcation from legitimate political argument and tactics.

Studied 9 Councils. **P5/11**: Our research supports previous studies in finding that the introduction of the ethical framework improved the conduct of councillors. Cross-national surveys suggest that there has been a reduction in serious forms of misconduct pertaining to corruption (BMG 2007, 2008), and we encountered similar perceptions.

P6/11 "One of the "accused" claimed that he had been told that he was being suspended because he was damaging the public perception of the council, but he argued that the public was totally behind him. He pointed to people coming up to him in social situations to express their support as evidence for this position and the fact that he continued to be reelected: "I'm a man of honour. My standards are far higher than those in the council."

P7/11 Subversion...In some councils, 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 monitoring officer is not averse to threatening . . . people that they could be in breach of the code of conduct if they aren't very careful. And you think . . . well I refuse to be cowed by all this, but it's very bad. And again of course it does nothing whatever to enhance the reputation of the code of conduct . . . because you think it's just there as a big stick to be used against anyone who dares ask tough questions.* (councillor, case study D)...

Councillors in other case studies, too, expressed concern at the ethical framework being used to provide a system of control, curtailing their freedom to question or challenge officers by categorizing such conduct as "bullying" or "bringing the council into disrepute."... it was suggested that the ethical framework provided a further means by which the majority group could curtail the influence of minority groups and individuals: "that group is now starting to use the code of conduct . . . to keep people in line if they displease it" (councillor, case study D).

P8/11 – "This culminated in the Conservatives and Liberal Democrats going into the May 2010 general election with a promise to abolish the ethical framework; the "central imposition" of the ethical framework was just one discourse of opposition (axing unnecessary agencies to cut public expenditure was another), but abolition has led to a scalar rebalancing of the formal practices by which good conduct in local politics is to be determined and achieved.

P4/11 Table 1 Categories of Misconduct under the Local Government Act of 2000 - Honesty and integrity • You must not conduct yourself in a manner which could bring your authority into disrepute (Part 1 5)

Original Act – Model Code of Conduct s50, see 53(7) Standards Board for England and at 57(6) see schedule 4 (repealed 31.1.2012)

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 Sub Committee will respond to that but I wouldn't want you to throw the baby out with the bath water.

I was on this Value and Ethics Sub-Committee back in 2019. We worked cross party for months to get the 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 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 (unfortunately it is in the LGA Model Code). 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 still strikes the right balance.

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

The need is to create a test so allegations can be filtered. Whether this is an interest test 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.

In October 2023, at Full Council, Councillor Geoff Gollop moved a motion regarding unlawful covert surveillance on SEND families which was voted for by a majority 39 councillors

Gollop called for a 'genuinely independent inquiry, conducted by the LGA or similar appropriate body into all the facts, faults and failings' surrounding the incident.

He said that this was 'in the interests of true transparency'.

No independent investigation has been forthcoming. The internal investigation the council conducted was flawed and contained defamatory information which had to be removed.

I asked the following question at Full Council on 11 July 2023 and was given the below response:

Question

On Tuesday 18 October 2022, councillors voted for an independent investigation into social media.

Why has this not happened yet? Please include the timeline set for this to take place in the answer.

Answer

There has been an internal investigation and no wrongdoing was found.

Before taking any further action on an independent investigation, we decided to wait for our full OFSTED ILAC inspection. We took the Ofsted report to Cabinet and noted their comments regarding improvement in relationships with SEND parents.

We have recently appointed a new Director of Education and Skills, who will continue to lead our work in education alongside Bristol Parent Carer Forum and other partners.

I believe this failure to abide to the democratic process and facilitate an independent investigation breaches the Members Code of Conduct, which includes the Mayor, and that he has brought the role and the city into disrepute because of it.

When I followed the complaints process for this, I received a response saying the Monitoring Officer would not investigate because 'reasons being that your complaint is about something that the Authority has not done rather than the conduct of an individual Member of the Council...'

It was suggested that I take the complaint to the LGO.

However, this complaint is not just about things the council hasn't done. It's in my opinion about Marvin Rees bringing the city of Bristol into disrepute, discriminating against disabled

people, blocking the democratic process because he will not allow an independent investigation into cover surveillance and evading external scrutiny.

The action here is actively blocking something because it is likely to embarrass Bristol.

The response I received from the Monitoring Officer came through the person who had actually published the defamatory statements against me which had to be removed.

We don't know who these 'independent people' are who are consulted behind closed doors. How do I know an independent person has been consulted? Nor what qualifies them to be independent.

I asked for my complaint to be reconsidered, but the Monitoring Officer would not allow it to be investigated.

My complaint into Marvin Rees' conduct around the independent investigation has been blocked. And this blocking is being supported by other people who have at times been part of the whole sordid spying affair.

I wonder what on earth an independent investigation is liable to uncover when so many people in City Hall are so against it taking place.

The spying issue has not just impacted upon what I considered to be Human Rights violations in Bristol. I firmly believe that it has impacted on the provision in one of my child's EHCPs being revoked and blocked out of spite.

But spite and vindictiveness is allowed to reign free in a Local Authority governed by an untouchable mayor who is protected by all the king's horses and all the king's men.

This toxic culture of no accountability and bullying residents makes Bristol look dishonest and ridiculous. The complaints process is simply another area where this is allowed to flourish in this sham democracy.

Sian Ellis-Thomas
Chair of the Friends of Redcatch Park

Statement for Public Forum at Values & Ethic Committee Meeting – Mon 25th September

Statement

I am delighted to see that the LGA Code of Conduct is going to be adopted instead of the Current Member Code of Conduct. But I would like to make an observation about the list of Member Complaints as submitted to the Values & Ethics Committee.

Due to BCC procedures, this list does not provide the committee with the information they would require to identify whether complaints are being submitted consistently about one particular member. While I understand the need for privacy, there should be oversight and a record of this aspect of the complaints received.

Therefore, some form of scrutiny and consistent record keeping is required at a key part of the complaints procedure to assess whether there is a pattern of behaviour visible that could constitute a red flag. Without this, consistent complaints about one member, whether upheld or not, could easily be ignored and turn into an acceptable mode of working, putting the public at risk of abuse. Surely the committee can see there is a gap in risk assessment

Values and Ethics Sub – Committee – Monday 25th September 2023 12.00pm

As per the list submitted to the committee, there have been 13 Member code of conduct complaints in the last 10 months, between 17th October 2022 and 25th August 2023. I understand that 38% of these complaints were about a single member.

Of these 13 complaints, 10 were rejected /deemed to require ‘no further action’ and the remaining 3 simply identified an apology to the complainant to be provided and /or a reminder of the Code of Conduct.

This infers that the people making these complaints were not heard as well as they might have been, had there been a more robust investigation process in place. One serious complaint was dismissed completely for being too similar to a previous complaint which had been received and not upheld.

With no appeals process available to complainants, it appears to be a very opaque process and an opportunity for complaints to be dismissed for expediency and convenience, with the knowledge that very little scrutiny is going to take place.

It’s hard to see how the Values & Ethics Committee can properly oversee, comment and advise on changes or action needed to uphold values and ethics, when they do not have the correct level of information with which to make decisions. Surely there needs to be oversight and scrutiny into the procedures and process itself to ensure a balanced assessment is made that honours and validates the complainant, as much as the complainee.

This definitely does not appear to be the case at the current time.

Lesley Powell

19 Sept. 2023

Statement to Values & Ethics sub-committee, 25 September 2023- Mike Oldreive

In July 2022 I made a complaint about a councillor -----**REDACTED AT THE REQUEST OF BCC LEGAL SERVICES WHO SAY I CAN'T SUBMIT THIS UNLESS I EXCLUDE THE NATURE OF THE COMPLAINT**-----

Five months later (Dec 2022) the Monitoring Officer (MO) rejected my complaint, accusing me of "political motivation". I complained to the LGO, who found that due process had been followed (1 June 2023), but ruled that BCC must:

- Apologise to me for the unreasonable delay (5 months to provide a decision)
- Update its member complaints policy within 3 months

The MO & Head of Legal Service (HOLS) have not mentioned the LGO findings in their report to V&E and they have omitted any details of how long complaints are taking to resolve. This is not ethical behaviour-- it is misleading members by omission. Members must ask themselves what else is being withheld?

The MO has also failed to act on LGA best practice recommendations on Member Complaints & Code of Conduct. These were published 3 years ago.

The HOLs dealt with my complaint:

- it took her over 20 working days to find an Independent Person (IP) to begin the complaints process. The MO told me he didn't consider this delay "material" - despite the fact this exceeds the entire deadline for dealing with complaints.
- Communication was non-existent from HOLs- she never explained the complaints process to me, nor the role or need to appoint an IP. All contact was on my part, and I was treated like a problem.

When I asked about the delay on 6 October (having heard nothing in over a month) HOLs said she was "struggling to find an IP" and "The person I usually instruct is no longer available".

How did this come about and is it yet another example of poor management of complaints processes by the MO? Has the Council failed in its legal duty to have appointed an IP? Was the IP appointed following due process? These are all questions members need to consider.

Why did it take so long to decide my complaint? The facts were all based on Tweets & there were screenshots of everything the Councillor has said.

I believe the MO and HOLs were determined not to investigate my complaint or frustrate it as far as possible. (The ICO has recently issued a Practice Recommendation for the disproportionately high number of complaints about response times on FOIs- this is surely no coincidence).

There appear to be conflicts of interest on the part of the MO and HOLs. Legal Services signed off several Procurement Waivers for contract awards to the scheme behind the Twitter abuse. The MO could have said "NO" to these waivers from the outset, but instead he enabled the continuance of initial procurement breaches by a service Director. I would not be here, making this statement if he had made better decisions and shown leadership 5 years ago.

Do members think it is appropriate that the MO and HOLs were involved in this complaint, given the perceived conflicts of interest?

The MO dismissed my complaint as "politically motivated" but never provided any explanation, other than that I had breached confidentiality in contacting Councillors when I was frustrated by the

delay in even starting to consider my complaint (appointing an IP). I have never been a member of a political party. I was, and I remain, disgusted by the arrogance, entitlement and egregious disregard for the Code of Conduct & Nolan principles shown by the Councillor. To date, they remain unaccountable, and that's the responsibility of the MO. There are issues of democratic freedoms at stake here- when can a member of the public raise valid concerns about a *politician* without being politically motivated?

There is also no evidence that the MO has applied the public interest test, despite my making the case for this. LGA Guidance states: "Even if a complaint seems to be politically motivated it may, nevertheless, be highlighting a potentially significant breach of the Code, which could not be ignored".

I am also extremely concerned by the misuse of confidentiality in the draft Complaints policy, to impose "Non-Disclosure Agreements" on complainants. The LGA is clear that this is not possible. It reinforces a power dynamic between organisations, powerful politicians and the public.

Under the current (national) complaints regime the MO is given too much power, and too little accountability. The MO's decision cannot be challenged and is final. That is why his work needs to be of the highest standards. The MO must be subject to robust scrutiny and members should not take his work, or that of his team, at face value.

Does the V&E committee have confidence in the work of the Monitoring Officer and the Head of Legal Services? It's for you to decide if the MO is promoting high standards in public life or protecting Councillors and their personal business interests.