

Values and Ethics Sub-Committee

Agenda



Date: Monday, 30 January 2023

Time: 12.30 pm

Venue: First Floor 1P04 - City Hall, College Green, Bristol, BS1 5TR

Distribution:

Councillors: Adebola Adebayo, Tony Dyer, Zoe Goodman, Jonathan Hucker and Andrew Brown

Copies to: Nancy Rollason (Head of Legal Service), Husinara Jones, Allison Taylor (Democratic Services Officer), Lucy Fleming (Head of Democratic Engagement), Louise deCordova (Democratic Services Manager) and Simba Muzarurwi (Chief Internal Auditor)

Issued by: Allison Taylor, Democratic Services
City Hall, PO Box 3399, Bristol, BS31 9NE
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Date: Friday, 20 January 2023



Agenda

1. Welcome and introductions

(Pages 4 - 6)

2. Apologies for absence

3. Declarations of Interest

4. Minutes of Previous Meeting

(Pages 7 - 9)

5. Public Forum

Up to 30 minutes is allowed for this item.

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 **24 January**.

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 **27 January**.

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 **27 January**.

6. Dispensations

(Pages 10 - 13)



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Public meetings

Public meetings including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny will now be held at City Hall.

Members of the press and public who plan to attend City Hall are advised that you may be asked to watch the meeting on a screen in another room should the numbers attending exceed the maximum occupancy of the meeting venue.

COVID-19 Prevention Measures at City Hall (June 2022)

When attending a meeting at City Hall, the following COVID-19 prevention guidance is advised:

- promotion of good hand hygiene: washing and disinfecting hands frequently
- while face coverings are no longer mandatory, we will continue to recommend their use in venues and workplaces with limited ventilation or large groups of people.
- although legal restrictions have been removed, we should continue to be mindful of others as we navigate this next phase of the pandemic.

COVID-19 Safety Measures for Attendance at Council Meetings (June 2022)

We request that no one attends a Council Meeting if they:

- are required to self-isolate from another country
- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.



Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to democratic.services@bristol.gov.uk.

The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.



- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution
<https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notices-for-resource-services



Bristol City Council Minutes of the Values and Ethics Sub-Committee

27 June 22 at 2pm



Members Present:-

Richard Eddy (Substitute), Zoe Goodman, Tim Kent (Substitute) and David Wilcox (Substitute).

Independent Member Adebola Adebayo – Chair.

Officers in Attendance:-

Nancy Rollason – Head of Legal Service, Louise deCordova – Democratic Services Manager, Allison Taylor – Democratic Services Officer.

1. Welcome, Introduction and Apologies for absence

The Chair welcomed all parties to the meeting. The Committee noted the emergency evacuation procedure arrangements.

Apologies received from Councillors Brown, Dyer and Hucker.

2. Declarations of Interest

There were none.

3. Chair's Business.

The Chair informed the Sub-Committee that future agendas would include a Public Forum item.

4. Minutes of the Previous Meeting.

Councillor Goodman, who was the only member present at the last meeting confirmed them as a correct record subject to the inclusion of the membership in the attendance.

Resolved – That the minutes of the 23 November be agreed as a correct record and signed by the Chair.

5. Member Development Update report.

The Democratic Services Manager (DSM) summarized the report for the benefit of the Sub-Committee and the following points arose from discussion:-



1. Members and the Independent Member Chair congratulated officers for achieving the charter plus status and for the professional role out of member development;
2. In response to a question from Councillor Wilcox on the numbers of Members who had completed mandatory training, the DSM confirmed that she would make sure this was made available for the next meeting;
3. The Chair queried who was responsible for Member Development as the V&E Sub-Committee's Terms of reference stated that V&E Sub-Committee was responsible for it whilst the report stated it was the Member Development Steering Group. The DSM replied that the Steering Group drove the offer but the Sub-Committee had oversight responsibility for that work. A review of the Terms of Reference wording could be considered for the future.

Resolved - That the update report be noted.

6. Summary of Complaints against Councillors – March 2021- May 2022.

The Head of Legal Service (HOLS) summarised the report for the benefit of the Sub-Committee and the following points arose from discussion:-

1. It was noted that an independent person's view was sought by the Monitoring Officer when undertaking an initial assessment as to whether there appeared to be a breach of the members code of conduct. BCC had entered into an agreement with North Somerset Council to seek a view from their independent person who was appropriately qualified for the role;
2. Councillor Eddy suggested that the table have an additional column to indicate if it was an officer or a member of the public complaint. The HOLS agreed that this could be added as it did not undermine anonymity;
3. It was noted that the table did not contain complaints about planning matters. The complaint listed concerned a constituent who believed they had not being supported by a member in the way they thought they should on a planning matter;
4. 'No further action' indicated that the complaint not been proceeded with and the table only listed those complaints already determined;
5. It was agreed for future complaints to assign case references by number rather than the name of the Councillor;
6. It was noted that the former Standards Committee had been allowed to sanction members but that power had been removed. The HOLS agreed to circulate the Complaints Procedure to the Sub-Committee as this set out the sanctions available if the Monitoring Officer referred a complaint to the Committee for consideration.

Resolved - That the report and the summary of Complaints made against Councillors since the last report to the Committee in March 2021 be noted.

The meeting ended at 2.30pm

CHAIR _____





Value and Ethics Sub-committee

30 January 2023



Report of: Director – Legal and Democratic Services

Title: Dispositions

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

1. That the Sub-committee grants a dispensation for a period of 4 years to all Members of the Council in respect of any matter under consideration by Full Council, Cabinet or any Committee of the Council concerning housing policy that may relate to any disclosable pecuniary interest in land that any member of the council has as an owner, landlord or tenant of public or privately owned property.
2. That the Sub-committee delegates authority to the Monitoring Officer, in consultation with the Chair of the Value and Ethics Sub-committee, to determine any other urgent applications for dispensations where it is not reasonably practicable to convene a meeting of the Value and Ethics Sub-committee.

The significant issues in the report are:

As set out in the report.



1. Summary

This report deals with two matters relating to dispensations that fall within the terms of reference of the Value and Ethics Sub-committee. Firstly, a dispensation to all members who have a disclosable pecuniary interest in housing policy matters. Secondly, urgent applications for other dispensations where it is not possible to convene a meeting of the Value and Ethics Sub-committee.

2. Overview of disclosable pecuniary interests and dispensations

Under the Localism Act 2011, there is a requirement for all councillors to register their disclosable pecuniary interests. One of the categories of disclosable pecuniary interest is an interest in land in the Council's area. The interests in land that will be recorded will generally be as either an owner, landlord or tenant of private or publicly owned property. In the majority of cases these interests will be recorded as sensitive interests, namely they will have been disclosed to the Council's Monitoring Officer but will not appear on the public register of disclosable pecuniary interests. However, these sensitive interests are still regarded as disclosable pecuniary interests.

Where a councillor has a disclosable pecuniary interest in respect of any matter under consideration at a meeting of the Council, Cabinet or a Committee of the Council then they must declare the nature of their interest, leave the meeting and not participate in the debate or any vote in respect of that matter.

The obligations in respect of disclosable pecuniary interests are set out in section 31(4) of the Localism Act 2011 and in paragraph 3 of the Member Code of Conduct.

However, under section 33 of the Localism Act 2011, the Council may grant a dispensation to any councillor where certain criteria are met and where such a dispensation is granted, the councillor may participate in and vote on a matter, where but for the dispensation, they would not be permitted to do so.

The criteria which are used to determine whether a dispensation will be granted are set out in section 33(2) of the Localism Act 2011. The Council may grant a dispensation if, after having regard to all relevant circumstances, the Council

- (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or

- (e) considers that it is otherwise appropriate to grant a dispensation.

The responsibility for determining applications for dispensations is a function of the Value and Ethics Sub-committee and the terms of reference for the Sub-committee include the following:

Consideration of applications for dispensation to allow members to participate in consideration of matters in which they would, but for a dispensation, not be able to participate, in circumstances permitted by law.

3. Dispensation in respect of housing matters

At the Full Council meeting on 10 January 2023, the Golden Motion related to the private housing sector, in particular the rights of tenants and the responsibilities of landlords. A number of councillors had disclosable pecuniary interests as either tenants or as landlords in the Golden Motion and were therefore unable to participate in the debate or vote on the motion. Some councillors made enquiries about a dispensation in respect of the Golden Motion. Unfortunately, it was not possible to consider any applications for a dispensation as the function is currently reserved to the Value and Ethics Sub-committee, there was not enough time to call a meeting to consider whether a dispensation should be granted, and no delegation is in place to determine urgent applications for dispensations.

The Full Council meeting on 10 January 2023 was not the first time that the Council has considered a motion relating to housing matters and it is possible that similar motions may be proposed for debate in the foreseeable future. In the interests of ensuring that all relevant viewpoints can be expressed in such matters, there is a strong argument in favour of granting a dispensation to all councillors who have a disclosable pecuniary interest in land whether as an owner, landlord or tenant of public or privately owned property and that such a dispensation should be in place for a period of 4 years, 4 years being the maximum permitted period for a dispensation.

Therefore, it is recommended that the Value and Ethics Sub-committee grants a dispensation for a period of 4 years to all Members of the Council in respect of any matter under consideration by Full Council, Cabinet or any Committee of the Council concerning housing policy that may relate to any disclosable pecuniary interest in land that any member of the council has as an owner, landlord or tenant of public or privately owned property.

4. Urgent applications for dispensations

As things stand, any application for any other dispensation would need to be determined by the Value and Ethics Sub-committee on a case-by-case basis. However, there is currently no mechanism in place to determine urgent applications for dispensations, where it is not reasonably practicable to convene a meeting of the Value and Ethics Sub-committee.

Whilst applications for dispensations are infrequent, it would be desirable to have a mechanism whereby urgent applications for dispensations could be considered by the Council's Monitoring Officer, in consultation with the Chair of the Value and Ethics Sub-committee. The criteria set out in s.33(2) of the Localism Act 2011 would be used to determine any urgent applications and where an urgent application for a dispensation has been granted, this will be reported to the next meeting of the Value and Ethics Sub-committee.

Therefore, it is recommended that the Value and Ethics Sub-committee delegates authority to the Monitoring Officer, in consultation with the Chair of the Value and Ethics Sub-committee, to determine urgent applications for any other dispensations where it is not reasonably practicable to convene a meeting of the Value and Ethics Sub-committee.

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None