

Values and Ethics Sub-Committee

Agenda



Date: Monday, 25 September 2023

Time: 12.00 pm

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

Distribution:

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

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

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Date: Friday, 15 September 2023



Agenda

1. Welcome and Introductions

(Pages 4 - 6)

2. Apologies for absence

3. Declarations of Interest

4. Minutes of previous meeting

(Pages 7 - 10)

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 **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**.



6. **Summary of Complaints against Councillors and revised Complaints procedure** (Pages 11 - 20)
7. **Member Code of Conduct** (Pages 21 - 50)
8. **Member Officer Protocol** (Pages 51 - 65)



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-notice-for-resource-services



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

30 January 2023 at 12.30pm



Members Present:-

Andrew Brown, Tony Dyer, Zoe Goodman and Jonathan Hucker

Independent Member Adebola Adebayo – Chair. (Apologies with Councillor Tony Dyer in the Chair)

Officers in Attendance:-

Tim O’Gara – Director – Legal and Democratic Services and Monitoring Officer (MO), Allison Taylor – Democratic Services

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 Adebola Adebayo.

2. Declarations of Interest

Councillor Brown declared that he was a private renter. Councillor Goodman declared that she was the Director of Co-Housing Bristol.

3. Minutes of the Previous Meeting.

Resolved – That the minutes of the 27 June 2022 be agreed as a correct record and signed by the Chair.

4. Public Forum.

The Sub-Committee noted the responses to questions and the Chair invited one supplementary question per question.

Suzanne Audrey – Qu 1 – ‘Why in past, frequent debates regarding housing has the need for a dispensation not arisen before ?’

The Chair asked the MO to respond.

MO Response – ‘On a previous debate regarding social housing a number of Councillors absented



themselves and given the scale of absentees there was a consensus to address this for the future.'

Suzanne Audrey – Qu 2 – 'In other Council's there was real scrutiny and openness required regarding property ownership – this proposal seemed sweeping and suggests there were no risks'

Chair's Response - 'This matter might be raised when the report was discussed later on the agenda'

Joanna Booth – Q1 - 'Who is the right person to assess an interest – who do you go to and who has the power and can they be subject to bias?'

The Chair asked the MO to respond.

MO response – 'the Localism Act 2002 states that failure to disclose does not invalidate decisions. Ultimately it is for individual Councillors to determine an interest but they can seek advice from the MO or legal officers'

The Chair added that this applied to all Committee's and not just Full Council.

Joanna Booth – Q2 – 'Is there a private register where sensitive interests for Councillors and the Mayor were held and who assessed those sensitive interests?'

The Chair responded - 'The sensitive interest of property/land was withheld to protect Councillors from threats'

The MO added – 'Sensitive interests had to be declared and it was for individual Councillors to decide'

Statements – The Sub-Committee heard a summarized statement from Suzanne Audrey.

Prior to consideration of the Dispensations report the Chair took the opportunity to clarify that the papers for the meeting had not been available on the Council's website since Friday evening until this morning due to administrative error. This had not impacted on public participation as the papers had already been published for a week and this included the periods for questions and statements to be received.

5. Dispensations.

The MO stated that the report was before the Sub-Committee as a result of a Golden Motion relating to the private housing sector at the last Full Council meeting where 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 was currently reserved to the Value and Ethics Subcommittee and there was not enough time to call a meeting to consider whether a dispensation should be granted, and no delegation was in place to determine urgent applications for dispensations.

In addition, 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 was currently no mechanism in place to determine urgent applications for dispensations, where it was not reasonably practicable to convene a meeting of the Value and Ethics Sub-committee. It was envisaged that such urgent dispensations would be rare.



The following points arose from Sub-Committee questions:-

1. Consideration had not been given to what other LA's did in this regard as there was a statutory obligation and the need was clear and straightforward;
2. Consideration might want to be given to providing dispensations for tenants voting on council rents;
3. There was now no general dispensation requirement regarding Council tax setting.

The following points arose from discussion:-

1. A Councillor was uncomfortable with delegating individual dispensations to the MO and instead suggested it should be delegated to the V&E Sub-Committee in consultation with the MO and via email. She was also concerned with the 4 year term tying the forthcoming new Committee System to the arrangement. She believed that for transparency all declarations should continued to be made on an individual basis. She suggested that greater thought should be given to sensitive interests and the circumstances for them. Finally, she felt unable to support the recommendations and asked for a more detailed report;
2. A Councillor, in relation to Recommendation 1, was uncomfortable in binding a future Committee System to 4 years of the arrangement and felt the arrangement should be reviewed periodically. He accepted Recommendation 2 but also asked that it be reviewed periodically;
3. The Chair, in relation to Recommendation 1, expressed concern regarding a blanket dispensation as it was the responsibility of an individual Councillor to decide if they required a dispensation. There was a clear difference between a landlord of several properties and a 6-month tenancy. He was also concerned about the 4 year term which bound it to the new Committee System and a potentially rewritten constitution. In relation to Recommendation 2, he understood that emergency delegated decisions already applied to certain officers but it was important to define emergency and set out when it was no longer practical for the V&E Sub-Committee to deal with it. Denying potentially elected members the opportunity to vote meant that it was vital to be clear about who was making the decision. The Green Group had strong concerns about elements in the report;
4. A Councillor believed that the report went to far in the other direction and saw more risks to the proposals. It was necessary to define who made the decision on dispensations and a deadline by which a Councillor must raise a request for dispensation after a motion is published. The Liberal Democrat Group were concerned regarding timeframes;
5. A Councillor understood the valid concerns but believed it was better to have an arrangement in place which could be improved;
6. There were no further comments so the Chair moved the recommendations and on being put to the vote it fell – 1 for, 3 against. He then proposed that the MO review the comments of the V&E Sub-Committee in consultation with the Whips and the V&E Sub-Committee and bring a revised report to a meeting of the V&E Sub for consideration. On being put to the vote it was:-

Resolved - (3 for, 1 against) - That the MO review the comments of the V&E Sub-Committee in consultation with the Whips and Chair of the V&E Sub-Committee and bring a revised report to a meeting of the V&E Sub for consideration.

The meeting ended at 1.15pm

CHAIR _____





Values and Ethics Sub Committee

25th September 2023



Report of: Director: Legal and Democratic Services

Title: Summary of Complaints against Councillors and revised Complaints procedure

Ward: N/a

Officer Presenting Report: Nancy Rollason Head of Legal Service

Recommendation

That the Committee notes the report and the summary of Complaints made against Councillors since the last report to the Committee in June 2022 and approve the revisions to the complaints procedure.

The significant issues in the report are:

As set out in the report and Appendix 1 and 2 to the report.

Policy

1. This is an annual report providing details of Complaints made against Members of the Council.

Context

2. The Committee agreed to receive an annual report in relation to Complaints made against Members of the Council at its meeting in March 2021.
3. A complaint against a Councillor relates to an allegation that a Councillor has not observed the Code of Conduct for Members. Complaints must be about councillors' actions relating to their role as a Member of the Council.
4. The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct by members and co-opted members of the authority and to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. Codes of conduct must be consistent with the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Bristol City Council's Code of Conduct for Members incorporates these principles.
5. The Act also requires all local authorities (other than parish and town councils) to have procedures in place to deal with complaints about member conduct. It is for the Authority to decide the details of those procedures, but they must appoint at least one Independent Person, whose views are to be taken into account, before making a decision on a complaint. The Authority has appointed 3 Independent persons and updated the complaints procedure. The revised procedure is attached at Appendix 2 of the report for consideration and approval.
6. The summary of complaints at Appendix 1 of the report covers all complaints received since March 2021.
7. It is not possible to provide further details about complaints received, or the outcomes of complaints, as only complaints that have been upheld are published. No complaints have been upheld during this time.

Other Options Considered

8. Not applicable.

Risk Assessment

9. Not applicable.

Legal and Resource Implications

Legal

As set out in the report
(Legal advice provided by Nancy Rollason – Head of Legal Services)

Financial / Land / Human Resources

Not applicable.

Appendix 1 – Summary of complaints 21-22

Appendix 2 – Revised Complaints procedure

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None

Summary of Complaint	Date of decision	Method of resolution
Failure to treat a member of the public with respect	17/10/22	Informal resolution -Reminder of Members Code of Conduct and Member Officer protocol
Inappropriate comments made on social media	16/12/22	Informal resolution recommended apology to the complainant and training and guidance on the Member Code of Conduct and use of social media.
Failure to disclose a pecuniary interest	23/01/23	No further action
Inappropriate comments made about officers in a public meeting and emails to officers	20/02/23	Informal resolution- apology given. Reminder of provisions of Member Code of Conduct and Member Officer protocol
Publishing information lacking in balance and objectivity, mis-use of council email for non council purposes	20/02/23	No further action
Publishing information lacking in balance and objectivity, mis-use of council email for non council purposes	20/02/23	No further action
Failure to treat a member of the public with respect	03/07/23	Complaint rejected
Failure to treat a member of the public with respect and bullying	19/07/23	No further action
Failure to treat a member of the public with respect	27/07/23	Complaint rejected
Failure to treat member of the public with respect	14/08/23	No further action
Failure to treat member of the public with respect	14/08/23	No further action
Failure to disclose prejudicial interest, misleading a committee.	15/08/23	No further action
Failure to respond to a question and take action in relation to a particular matter	25/08/23	Complaint Rejected

Case Ref
RL01.45
RL01.46
RL01.47
RL01.48
RL01.49
RL01.50
RL01.51
RL01.53
RL01.54
RL01.55
RL01.56
RL01.58
RL01.59

BRISTOL CITY COUNCIL
DRAFT AMENDED PROCEDURE FOR DEALING WITH
COMPLAINTS ABOUT BREACHES OF THE CODE OF CONDUCT

1. Introduction

1.1 Under the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct for its elected and co-opted members and have arrangements in place to deal with complaints.

1.2 This Procedure sets out how the Council will deal with a complaint alleging a breach of the Members' Code of Conduct by Bristol City Councillors and voting and non-voting co-opted members of the Council.

1.3 In dealing with complaints we will be fair to both the complainant and Member and progress matters in accordance with the timescales set out in the Procedure. Complaints will be handled in the strictest confidence at all times.

1.4 The Council has a duty to ensure there is no conflict of interest with officers when undertaking standards investigations. If a conflict of interest is identified, it will be determined in consultation with the Independent Person whether the matter should be dealt with by an alternative Monitoring Officer.

1.5 The Council has a clear and straightforward public interest test, which considered by the Monitoring Officer when considering complaints.

2. Monitoring Officer

2.1 The Director of Legal and Democratic services is the Council's Monitoring Officer. This is a statutory role, responsible for ensuring that the Council, its Members and officers carry out their functions in a lawful and ethical manner. The role includes supporting the Audit and Values and Ethics Committee.

3. Independent Persons

3.1 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.

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.

3.3 An elected Member who is the subject of a Standards Complaint is entitled to process / procedural advice from an Independent Person, and any request shall be made via the Monitoring Officer.

4. Making a Complaint

If you would like to make a complaint about a Councillor or co-optee of Bristol City Council you must complete the [Complaint Form](#) (Appendix A) and provide relevant

evidence to substantiate your allegation(s). The form is also available from the Monitoring Officer or Head of legal services at: Legal.support@bristol.gov.uk
(The Monitoring officer will accept complaints in other formats but they must be in writing.)

The Monitoring Officer will review all complaints received.

There are some instances where it is not appropriate to complain through this complaints process - for example :-

- About people employed by the Council or a decision made by an Officer of the Council
- The way the Council conducts or records its meetings.
- The way the Council has or has not done something. This might be a matter for the Local Government Ombudsman if the Council has not dealt with the matter properly and it has not been resolved locally.
- Complaints about someone who is no longer a Councillor or conduct that took place when they were not acting as a Councillor
 - Decisions relating to Planning or Licensing matters should be challenged by way of judicial review

Anonymous complaints will only be accepted on an exceptional basis.

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

Pre-assessment enquiries

Receipt of a complaint will be acknowledged within five working days, with details about how the complaint will be dealt with and in what timescales.

The Monitoring Officer will consider requests for confidentiality. If confidentiality is refused, the complainant will be given the opportunity to withdraw the complaint before the subject member is informed.

The Councillor about whom a complaint has been made will be notified with a summary of the complaint and the name of the complainant, if confidentiality has not been requested.

The Councillor will be invited to submit a written statement of fact in reply to the complaint within 10 working days. The Councillor will be notified that they may seek the views of an Independent person at any stage of the process.

The Monitoring Officer may carry out preliminary enquiries and contact the complainant for clarification of their complaint, or further information.

3. Assessment process

A two-step process is applied: – the first stage being ‘can we deal with this complaint?’ This a jurisdictional test and would assess whether:

- the complaint is against one or more named Councillors of the authority
- the named Councillor was in office at the time of the alleged conduct;
- the complaint relates to matters where the Councillor was acting in that capacity or representative of the authority, and it is not a private matter;
- the complaint, if proven, would be a breach of the Code under which the Councillor was operating at the time of the alleged misconduct.

The second stage is ‘should we deal with this complaint?’

The Monitoring Officer will take into consideration whether it is in the public interest to proceed with a complaint.

The Monitoring Officer is likely to conclude that the complaint should not be dealt with in the following circumstances

- a. there is no evidence that the Code has been breached;
- b. taking into account the nature of the allegation, using public funds to examine the matter further would be disproportionate.
- c. the complaint appears to be vexatious, politically motivated, tit-for-tat or made by a persistent complainant;
- d. The conduct occurred during political debate or could be regarded as a political expression of views or opinion.
- e. the conduct complained about has already been the subject of investigation or enquiry by another public body;
- f. the same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation, and there is nothing further to be gained;
- g. there is not enough information to take the matter further;
- h. the complaint was made anonymously;
- i. the complainant has requested that their identity as complainant be withheld from the member, and the matter cannot reasonably be taken further in these circumstances;
- j. the member has already apologised for the action that was the subject of the complaint, and that is sufficient to dispose of the complaint;

If the complaint fails one or more of these tests it will not be investigated, and the complainant will be informed that no further action will be taken in respect of the complaint.

4. Initial assessment decisions

The Monitoring Officer will complete an initial assessment following any comments being received from the Councillor. The assessment will be completed within 3 weeks of receipt.

An Independent Person will be invited to give their views prior to the initial assessment being finalised. The decision notice will state whether the Independent Person agreed with the decision.

The Monitoring Officer may reach one of three decisions on an allegation:

- No further action should be taken;
- The matter should be dealt with through a process of informal resolution in the first instance or;
- The matter should be referred for formal investigation

Where it has been concluded that no potential breach of the Code of Conduct is disclosed by the complaint, no further formal action will be taken by the Monitoring Officer. There is no right of appeal against a decision not to take any further action. Reasons will be stated and the complainant informed.

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.

Where the Monitoring Officer determines that a matter should be referred for formal investigation, the Monitoring Officer will commission an external investigator to carry out the investigation.

5. Referral for Investigation to the Values and Ethics Committee

Following the receipt of a report from an external investigator, the Monitoring Officer may decide that the matter should be referred for a hearing. If this is the case, a report will be prepared and will include information explaining that a hearing will be held and the procedure to be followed.

The Values and Ethics committee will decide upon who should attend and the procedure to follow after considering representations from the complainant and the Councillor.

The Committee has the power to reach one of three decisions:

1. The Councillor had NOT failed to comply with the Code of Conduct
2. The Councillor HAD failed to comply with the Code of Conduct, but no action needed
3. The Councillor HAD failed to comply with the Code of Conduct, and a sanction should be imposed.

Possible sanctions that are be available include

- To Report on findings to Full Council i.e. “naming and shaming”.
- To Recommend to a Group Leader that the member concerned be removed from any committee or sub-committee.
- To recommend, in relation to any Councillors of the executive that the member concerned be removed from the Executive.
- to recommend the Monitoring Officer to arrange appropriate training for the member concerned.
- to recommend removal of any member concerned from any outside body appointments.
- to require the withdrawal of Council facilities e.g., use of computer or internet.
- to exclude a member from the Council’s offices or other premises except for

the purpose of attending formal meetings.

Where a breach is found, the Decision Notice will be published on the Council's website.

The Monitoring Officer will report back to the Values and Ethics Committee on an annual basis regarding all complaints received and their resolution/ decision. Information will be provided on an anonymous basis so that the parties cannot be identified save where a decision notice has been published.

Draft procedure updated 17th July 2023

Value & Ethics Sub-committee

25 September 2023



Report of: Director – Legal and Democratic Services

Title: Member Code of Conduct

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Value and Ethics Sub-committee considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

The Value & Ethics Sub-committee is invited to consider the matters raised in this report and make recommendations to Full Council about the Code of conduct for Members.



1. Summary

The preparations for the Committee Model of governance provides an opportunity to review the Member Code of Conduct. This report proposes that the Council adopts the LGA Model Code of Conduct. The Committee Model Working Group considered this report at its meeting on 8 September 2023 and comments for the Value and Ethics Sub-committee are appended to this report for consideration.

The Value and Ethics Sub-committee is invited to consider adopting the LGA Model Code of Conduct and make a recommendation to Full council about the arrangements that should be in place relating to the Member Code of Conduct from May 2024.

2. Detail of report

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).

The Value and Ethics Sub-committee is invited to consider the arrangements that should be in place for a Member Code of Conduct from May 2024. In forming a view about this, the Sub-committee should consider the current Member Code of Conduct as well as the Local Government Association Model Code of Conduct. Further detail about both the current Member Code of conduct and the LGA Model Code of conduct are set out below and in Appendices 1 and 2. Appendix 3 contains comments from the Committee Model Working Group for the Sub-committee to consider.

3. The Current Member Code of Conduct

The Current code complies with statutory requirements as it: -

- deals with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- Is consistent with the Seven Principles of Public Life, also known as the Nolan Principles
- includes provision for and requirements relating to registration and disclosure of pecuniary and non-pecuniary interests.

4. The Local Government Association Model Code of Conduct

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with partners and after consultation with Public Sector organisations. A copy of the Model Code is attached at Appendix 2. The Model Code is a template for councils to adopt in whole and/or with local amendments.

The aim of the Model Code is to enhance the consistency and quality of local authority codes, in line with the recommendations of the Committee on Standards in Public Life in their review of Local Government Ethical standards.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

The Committee on Standards in Public Life also made recommendations in relation to best practice. These can be found in the above link. There are 15 recommendations that include:

1. Include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment,
2. Provisions requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.
3. Review of code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.
4. Publish a clear and straightforward public interest test against which allegations are filtered.
5. Have access to at least two Independent Persons.
6. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.
7. Have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.
8. Procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

The current Code and updated procedure for dealing with complaints mostly complies with the recommendations from the Committee on Standards in Public Life. However, the current Code does not contain a definition of bullying or harassment, although this is defined in the Model Code. Furthermore, whilst it is customary to review the Code of Conduct in advance of the next local elections, the Code of Conduct is not currently reviewed on an annual basis. Members may wish to consider this when deciding how best to proceed.

5. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

The Council is required to adopt a Member Code of Conduct under s.27 of the Localism Act 2011 and the Code must comply with the requirements of s.28 of the Localism Act 2011.

The current Member code of Conduct is one of the Codes and Protocols in Part 5 of the Constitution.

The Value and Ethics Sub-committee is responsible for advising the Council on the adoption and operation of the Member Code of Conduct and for making recommendations for change.

6. Recommendation to Full Council

The Value and Ethics Sub-committee should consider whether to adopt the LGA Model Code of Conduct and make a recommendation to Full council to adopt a Code of Conduct as part of the preparation for the Committee Model of governance and which will be implemented from May 2024.

Appendices:

Appendix 1 – Current Member Code of Conduct

Appendix 2 – Local Government Association Model Code of Conduct

Appendix 3 – Extract minutes from Committee Model Working Group – 8 September 2023

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None



BRISTOL CITY COUNCIL

MEMBER CODE OF CONDUCT

In force from May 2020

Introduction

The Localism Act 2011 requires this Council to promote and maintain high standards of conduct by the Mayor, Members of the Council and Co-opted Members of the Council.

In discharging this duty, the Council is required to adopt a Code of Conduct which sets out the conduct expected of Members.

The purpose of this Code of Conduct is to assist Members in the discharge of their obligations to the Council, their local communities and the public at large by:

- a) Establishing the standards and principles of conduct expected of all Members in undertaking their duties; and
- b) Ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding the Code through an open and transparent process.

Application

This Code of Conduct applies to you whenever you are acting in your capacity as an elected member of Bristol City Council, including –

- a) at all formal meetings, Committees and Sub-Committees
- b) when acting as a representative of Bristol City Council, for example as a Council appointee to one of the Council's companies or an outside body
- c) in taking any decision as a member of Bristol City Council
- d) in discharging your duties as a member of Bristol City Council
- e) in any interactions with members of the public in your role as a member of Bristol City Council
- f) in any interactions with Bristol City Council officers
- g) in any interactions with any of the council's wholly owned companies, joint ventures and where the council holds an interest and/or is a shareholder
- h) when corresponding with the authority and its officers other than in a private capacity
- i) when you hold yourself out as a member of Bristol City Council

Related protocols

This document should be read in conjunction with:

- a) The Member-officer protocol
- b) Good Practice Protocol for Planning
- c) Good Practice Protocol for Licensing
- d) The procedure for the investigation of complaints

As a member of Bristol City Council I will abide by this code of conduct.

1. General Conduct

As a member of Bristol City Council, I represent the City of Bristol and I have a responsibility to represent all residents and communities within the city of Bristol and to work constructively with officers, partner organisations and other members to secure better social, economic and environmental outcomes for all residents of Bristol.

Under the Localism Act 2011, when acting as a member of Bristol City Council, I have a duty to conduct myself in a manner that is consistent with the seven principles of Public Life.

The seven principles of Public Life are as follows:

- a) *Selflessness* Holders of public office should act solely in terms of the public interest.
- b) *Integrity* Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- c) *Objectivity* Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d) *Accountability* Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- e) *Openness* Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- f) *Honesty* Holders of public office should be truthful.
- g) *Leadership* Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. Principles and behaviours

As a member of Bristol City Council my conduct in my role as an elected member will be underpinned by the following behaviours:

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.
- b) Behaving in accordance with all our legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.

- c) Providing information requested by the Council in a timely manner to enable the Council to meet its statutory obligations.
- d) Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- e) Not using my position improperly for personal gain or to seek to confer an advantage on my acquaintances or close associates. This includes exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this authority.

2.2 Respecting others

- a) Dealing with representations or enquiries from all residents within our communities and visitors fairly, appropriately and impartially and not discriminating against people on the grounds of age, disability, sex, marital and civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation or gender reassignment.
- b) Not bullying, harassing, intimidating or attempting to intimidate others.
- c) Valuing my colleagues and officers and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- d) Always treating people with respect, including the organisations and public you engage with and those you work alongside.
- e) Not to compromise the impartiality of people who work for the authority.
- f) Giving due regard to the professional advice of officers.

2.3 Using resources legally and appropriately

- a) Ensuring that the authority uses its resources prudently and in accordance with the law. As part of this I agree not to use the authority's resources, including my council email address and postal address, for any personal, party political or non-Council purposes.
- b) Adhering to the council's media protocol to ensure that publicity and particularly social media is used in an appropriate manner and in accordance with the legal framework within which local government operates.

2.4 Being accountable

- a) Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- b) Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding myself and other members to account but restricting access to exempt or confidential information when the wider public interest or the law requires it.
- c) In all circumstances to comply with my legal obligations in respect of exempt or confidential information, in particular not to disclose exempt or confidential information to any third party.
- d) Not to participate in meetings or be involved in decision-making where I have a disclosable pecuniary interest – except when speaking when the general public are also allowed to do so.

2.5 Being open

- a) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- b) Championing the needs of all residents and communities across the whole area of Bristol City Council Unitary Authority and in particular to treat all the residents and communities within my ward in an equal and fair way.

2.6 Being a leader

- a) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
- b) Recognising that I have a leadership role within Bristol and my constituency and have a duty to enable and improve community cohesion and work with agencies to ensure communities are protected and safe.

3. Disclosable Pecuniary Interests

3.1 Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as:

- a) Employment, office, trade, profession or vocation
- b) Sponsorship
- c) Contracts
- d) Land
- e) Licences
- f) Corporate tenancies
- g) Securities

3.2 Where I have a disclosable pecuniary interest, or where my spouse, civil partner, or someone that I am living with as if they were my spouse or civil partner has a disclosable pecuniary interest of which I am aware, I agree to:

- a) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which I have a disclosable pecuniary interest and ensure that my register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of my interests.
- b) make verbal declaration of the existence and nature of any disclosable pecuniary at any meeting at which I am present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.

- c) be responsible for keeping all interests updated and notifying the relevant officers and chairs when in meetings.
- d) “Meeting” means any meeting organised by or on behalf of the authority, including:–
 - i. any meeting of Bristol City Council, or a Committee or Sub-Committee of Bristol City Council
 - ii. in taking a decision as a member of Bristol City Council
 - iii. at any briefing by officers; and
 - iv. at any site visit to do with business of the authority

4. Prejudicial interests

- 4.1 A prejudicial interest is one where the well-being or financial position of the Member, members of their family, or people with whom the Member has a close association is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.
- 4.2 A member of your family includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.
- 4.3 A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.
- 4.4 Where I have a prejudicial interest I agree to:
 - a) keep my register of interests up to date and advise the Monitoring Officer within 28 days of becoming aware of the interest.
 - b) make verbal declaration of the existence and nature of my prejudicial interest at any meeting at which I am present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.

5. Other Interests

- 5.1 Other interests are any interest which relates to or is likely to affect:
 - a) any body of which the Member is in a position of general control or management, and to which he / she is appointed or nominated by the Council.
 - b) any body:
 - i. exercising functions of a public nature;
 - ii. directed to charitable purposes;

- iii. one whose principal purposes include the influence of public opinion or policy (including any political party or trade union) of which the Member of the Council is a member or in a position of general control or management;
- c) any gifts or hospitality worth more than an estimated value of £25 which the Member has received by virtue of his / her office.

5.2 Where I have other interests, I agree to:

- i. keep my register of interests up to date and advise the Monitoring Officer within 28 days of becoming aware of the interest.
- ii. make verbal declaration of the existence and nature of my prejudicial interest at any meeting at which I am present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent. However, I am entitled to remain within the meeting and to take part in the debate and vote.

5.3 I understand that all declarations of disclosable pecuniary interests (except sensitive interests), all prejudicial interests and other interests that I have notified to the Monitoring Officer will be registered on a public register of interests.

6. Gifts and Hospitality

6.1 I must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value or cumulative value in excess of £25 which you have accepted as a member from any person or body other than the authority.

6.2 I understand that all declarations of gifts, benefit or hospitality that I have notified to the Monitoring Officer will be registered on a public register of gifts and hospitality.

7. Provision of advice

7.1 I will not provide advice to officers in relation to any officer related issues (e.g. personal employment matters or operational issues) that are reserved to the Head of Paid Service (and may be delegated to officers).

7.2 I will not provide or offer to provide a formal reference for any candidate for employment or promotion with Bristol City Council as to do so may be perceived as bringing an unacceptable pressure to bear on the appointing officer and any officer appointed as a result of such reference.

8. Complaints, investigations and sanctions

8.1 I agree to co-operate with any investigation into a complaint regarding any alleged breach of this Code of Conduct.

8.2 I acknowledge that the following sanctions may be imposed for a breach of this Code of Conduct:

- i. To report on findings to Full Council;
- ii. To recommend to a Group Leader that the member concerned be removed from any committee or sub-committee;
- iii. To recommend, in relation to any members of the executive that the member concerned be removed from the Executive;
- iv. To recommend the Monitoring Officer arrange appropriate training for the member concerned;
- v. To recommend removal of any member concerned from any outside body appointments;
- vi. To require the withdrawal of Council facilities e.g. use of computer or internet; or
- vii. To exclude a member from the Council's offices or other premises except for the purpose of attending formal meetings.

DECLARATION

I hereby declare that I will at all times observe the principles and obligations within this Code, the Protocol on Member / Officer Relations and any other codes and protocols approved by the Full Council during my term of office as a Member of Bristol City Council.

Name	
Signature	
Ward	
Date	

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

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.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Extract Minute – Committee Model Working Group – 8 September 23

Member Code of Conduct

The Director of Legal and Democratic Services introduced the report stating that the recommendation was that the Council adopted the LGA's model Code of Conduct, in line with the majority of Local Authorities. He went on to remind Members that the Values and Ethics Subcommittee had responsibility for recommending the proposed changes to the Member Code of Conduct to Full Council. Therefore, the CMWG were being asked to make any comments on the revised document which would be relayed to the Values and Ethics Sub Committee at their meeting on 25th September 23.

Members were advised that the key changes between Bristol City Council's existing and model Code of Conduct included:

- The LGA Code of Conduct contained definitions in a number of areas, including bullying and harassment, which could be useful additions to Bristol's guidance.
- The LGA recommended that the Code of Conduct be reviewed annually, rather than every four years.

Members discussed both Codes of Conduct, and the following points were raised;

- The LGA model Code of Conduct was a useful document and should be recommended to the Values and Ethics Sub Committee for adoption by Bristol City Council, subject to consideration of the wording in a number of areas, as set out below.
- The comments made in the public forum statement from Clive Stevens in relation to Councillors not being permitted to bring the Council into disrepute required further discussion by the Values and Ethics Sub Committee. In many instances Councillors must be free to express their views unfettered.
- Subjective wording must be avoided in the Code of Conduct where possible. The standards set out must be clear, fair and realistic.
- The Group would like the Value and Ethics Subcommittee to consider the references to Scrutiny throughout the LGA Model Code of Conduct, given that this would now occur within Committees rather than as a separate function.

RESOLVED: That the comments from the Committee Model Working Group in relation to the LGA's model Code of Conduct be relayed to the Values and Ethics Sub Committee.

Value & Ethics Sub-committee

25 September 2023



Report of: Director – Legal and Democratic Services

Title: Member-Officer Protocol

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Value and Ethics Sub-committee considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

The Value & Ethics Sub-committee is invited to consider the matters raised in this report and make recommendations to Full Council about the Member-Officer Protocol.



1. Summary

The preparations for the Committee Model of governance provides an opportunity to review the Member-Officer Protocol. This report proposes changes to the Member-Officer Protocol. The Committee Model Working Group consider this report at its meeting on 8 September 2023 and comments for the Value and Ethics Sub-committee are appended to this report for consideration.

The Value and Ethics Sub-committee is invited to consider the proposed changes to the Member-Officer Protocol and make a recommendation to Full council about the arrangements that should be in place relating to the Member-Officer Protocol from May 2024.

2. Detail of report

The current Member-Officer Protocol 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).

The Value and Ethics Sub-committee is invited to consider proposed changes to the Member-Officer Protocol and the arrangements that should be in place for a Member-Officer Protocol from May 2024.

3. Proposed changes to the Member-Officer Protocol

It is proposed that the following changes should be made to the Member-Officer Protocol.

- (a) Amendments to reflect the change from Mayor and Cabinet model of governance to the Committee Model of governance;
- (b) Deletion of references to the provisions relating to rights of members generally in respect of scrutiny functions;
- (c) Updated to reflect the requirement for Members and Officers to promote equality;
- (d) Updated to reflect the requirement for Members and Officers to declare their personal relationships which may be seen as influencing their work to the Chief Executive;
- (e) Changes to reflect decision-making arrangements for Full Council, Policy Committees and Officers;
- (f) Updated to include details relating to briefings for Chairs, Vice-chairs and Party Group Spokespersons;
- (g) Updated to include details relating to briefings for local ward councillors;
- (h) Updated to include details relating to communications, including electronic communications;
- (i) Updated to provide guidance in respect of dispute resolution.

Full details of the proposed changes can be found in the amended Member-Officer Protocol in Appendix 1. The comments from the Committee Model Working Group can be found in Appendix 2 and a number of typographical errors and clarifications raised by the Working Group have been incorporated into the amended Protocol in Appendix 1.

4. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

Whilst there is no legal requirement for the Council to have in place a Member-Officer Protocol, it is custom and practice for Councils to adopt a Member-Officer Protocol to ensure a positive and constructive working relationship between Members and Officers.

The current Member-Officer Protocol is one of the Codes and Protocols in Part 5 of the Constitution.

The Value and Ethics Sub-committee is responsible for advising the Council on the adoption and operation of the Member Code of Conduct and for making recommendations for change. It follows therefore, that the Value and Ethics Sub-committee should also consider matters relating to the Member-Officer Protocol.

4. Recommendation to Full Council

The Value and Ethics Sub-committee should consider the amended Member-Officer Protocol and make a recommendation to Full council to adopt a revised protocol as part of the preparation for the Committee Model of governance and which will be implemented from May 2024.

Appendices:

Appendix 1 – Amended Member-Officer Protocol

Appendix 2 – Extract minutes from Committee Model Working Group – 8 September 2023

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None

Protocol on Member/Officer Relations

Introduction

1. An effective working relationship between elected Members of the Council ('Members') and Council staff ('Officers') is critical to the successful operation of Council business. Excellent working relationships are required to deliver best value services to local citizens and to maintain confidence in local government in Bristol. This protocol is designed to help Members and Officers to perform effectively by giving guidance on their respective roles and their relationship with each other. This protocol applies to independent Chairs and Members of committees when they are acting in that capacity.

Respective roles

2. Members and Officers are public servants. They are indispensable to each other, but their responsibilities are distinct. All Members (~~including the Directly Elected Mayor~~) are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body and not to any single Member. Their job is to give advice to all Members (~~including the Mayor~~) and to the authority, and to carry out the authority's work under the direction and control of the Council, ~~its Executive~~ and relevant Committees. Officers are accountable to the Head of Paid Service.

The role of Political Assistants ~~and the Mayor's Assistants are~~ covered under specific legislation.¹

3. Respect between Members and Officers, both personally and for their different roles, is crucial to the successful operation of the Council's business.

Members' roles

4. Members generally have six main areas of responsibility:
 - (a) Determining Council Policy, Budget and Strategy;
 - (b) Making decisions within overall Council policy (for example on planning applications, or on the establishment or closure of a school);
 - (c) Monitoring and reviewing performance;
 - (d) Representing Bristol and the Local Authority;
 - (e) Community Leadership;

¹ [S.9 Local Government and Housing Act 1989](#)

[Reg.3\(7\) The Local Authorities \(Elected Mayor and Mayor's Assistant\) \(England\) Regulations 2002](#)

[reg.3\(1\)\(c\) of The Local Government Officers \(Political Restrictions\) Regulations 1990](#)

- (f) So far as possible, Acting as advocates on behalf of constituents;

It is not the role of Members to involve themselves in the day-to-day management of the Council's services.

5. The ~~Mayor, Members of the Executive and~~ Leader, Deputy Leader Committee Chairs and Vice Chairs have additional powers or responsibilities. As a result, their relationships with Officers may differ from and have additional complexity compared to those of Members without those responsibilities. However, such Members must still respect that Officers have a duty to be impartial and therefore must not ask them to undertake work of a political nature.
6. All Members ~~and the Mayor~~ have the same rights and duties in their relationships with Officers.

Officers' Roles

7. The role of Officers is to give advice and information to Members to inform their decision making and to implement the policies and decisions of the Council. In giving their advice, it is the responsibility of the Officer to present their professional views and recommendations. Members must not pressurise an Officer to make a recommendation contrary to their professional view or seek to persuade an Officer to withdraw a report.
8. In discharging their role as an Officer of the authority, staff must act in a politically neutral way.
9. Certain officers² hold statutory posts, which confer legal responsibilities over and above their obligations to the authority and its Members. Members must respect these obligations and must not obstruct them in the discharge of these responsibilities. Certain Officers hold politically restricted posts. Additional guidance can be found at Appendix A.

Expectations

- 10.1 Members can expect from Officers:
- (a) Commitment to the Council as a whole and not only to a part of it, or to any political group;
 - (b) Promote equality and inclusion and treat others with Respect and courtesy;
 - (c) The highest standards of integrity;
 - (d) A working partnership;
 - (e) An understanding of and support for respective roles, workloads and pressures;
 - (f) Timely responses to enquiries and complaints i.e. within the corporate standard of 7 working days;

² Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Adult Social Services, Director of Children's Services, Director of Public Health and Statutory Scrutiny Officer.

- (g) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers;
- (h) Regular up-to-date information that is appropriate and relevant to their needs, having regard to any individual responsibilities that they have;
- (i) Awareness of and sensitivity to the political environment;
- (j) Training and development in order to carry out their role effectively;
- (k) Appropriate confidentiality;
- (l) Support for the role of Members as the local representatives of the authority;
- (m) Compliance with the Employees' Code of Conduct.

10.2 Officers can expect from Members:

- (a) Promote equality and inclusion and treat others with respect and courtesy;
- (b) The highest standards of integrity, including maintaining confidentiality where required;
- (c) A working partnership;
- (d) An understanding of and support for individual Officers' roles, workloads and pressures;
- (e) Political leadership;
- (f) Not to be subject to bullying or to be put under pressure, taking into consideration the seniority of roles and potential vulnerability of Officers in junior roles;
- (g) That Members will not use their position or relationships with Officers to seek to advance their personal interests, or those of others, or to influence decisions improperly;
- (h) Compliance with the Members' Code of Conduct;
- (i) Participation in any mandatory training sessions e.g. before sitting on Selection or Regulatory Committees.

Close Personal Relationships

11. Both Members and Officers must maintain public confidence in the separation of their roles. Close personal relationships between Members and Officers can cause confusion and get in the way of the proper discharge of the authority's functions. Members and Officer must declare to the Chief Executive any relationships which may be seen as influencing their work to avoid creating any appearance of improper conduct. Additional guidance can be found at Appendix A.

Political Groups

12. The operation of political groups is an integral feature of local government. They have an important part to play in the development of policy and the political management of the authority. It is in the interest of the authority to support the effective operation of political groups.
13. The impartiality of Officers should not be compromised through their support

of political groups. Officers may assist party groups if requested to do so, but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner. All groups must be informed of party briefings and offered an identical session.

14. ~~—Officers may not engage in political discussion when attending party group~~
~~—meetings. Information will be provided on the issue being considered and~~
~~—appropriate questions answered. Officers must withdraw after any briefing and~~
questions, and before political discussion commences. Officers should not support political groups by writing political reports.

Party group meetings do not make decisions on behalf of the Council. Where Officers provide information and advice to a party group meeting in relation to Council business, this is not a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee of the Council when the matter in question is considered.

15. Special care needs to be taken if Officers are providing information and advice to a party group meeting which includes people who are neither Members nor Officers of the Council, as they are not bound by the Council Code of Conduct. Officers must be cautious about attending and/or giving advice to such meetings and seek guidance from the Head of Paid service or the Monitoring Officer if they have any concerns about doing so.
16. Officers must respect the confidentiality of any party group discussions at which they are present and in particular they must not relay the content of any discussion to another party group.
17. The Council can only provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members to assist them in discharging their role as Members of the Council. It is recognised that some Members may need additional support. Council resources should not be used in connection with party political or campaigning activity or for private purposes, including the use of ICT and social media as set out in the Member Code of Conduct.

Decision-making by ~~Reports to Full Council, Executive or~~ Policy Committees and Officers

18. The following arrangements will apply to formal decision-making by Full Council, Policy Committees and Officers.

(a) Under the Council's Constitution ~~adopted by the Council to comply with the Local Government Act 2000,~~ decisions may be made by ~~the directly Elected Mayor or Members of the Executive to whom the Mayor has delegated decision-making power. In other cases, they may also be taken by the~~ Full Council, ~~or~~ committees or sub-committees. The Council's Constitution provides that Member decisions may only be taken on the basis of a written report containing all relevant

considerations. Reports to the Policy Committees Mayor, Executive (whether collectively or otherwise) or to a committee or sub-committee should be written by the ~~Executive Director~~ or another officer authorised by them.

- (b) Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct Officers to act.
- (c) At some committee or sub-committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair (or other Members). In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it.
- (d) Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to attend meetings and to present reports and give advice to committees and sub-committees.

Additional guidance can be found at Appendix A.

Chair, Vice-chair and Group Spokespersons briefings

19. The following arrangements will apply to Chair, Vice-chair and Group Spokespersons briefings.

- (a) Regular briefings will be given to the Chair and Vice-chair of Policy Committees by officers and the decision logs and actions from those briefings will be made available to all members of the relevant policy committee. Briefings for the Chair and Vice-chair are not formal decision-making meetings as decisions under the Committee Model of governance cannot be taken by individual members: they can only be made by a committee or delegated to officers.
- (b) Agenda setting meetings for policy committees will include the Chair, Vice-chair and Group Spokespersons and will be attended by senior officers.

Local Ward Member briefings

20. The following arrangements will apply to Local Ward Member briefings.

- (a) Where Officers are dealing with a local ward issue, they shall ensure that all Local Ward Members are appropriately briefed on the issue.
- (b) Where a Local Ward Member requests a meeting on a local ward issue with Officers, Officers shall ensure that meetings are arranged in a timely way.
- (c) All briefings and meetings between Local Ward Members and Officers about a local ward issue will need to be mindful of any formal process that is being carried out.
- (d) General information regarding activities in a particular ward, should, where appropriate, be sent to all Local Ward Members for information.

Communications, including electronic communications

21. The following arrangements will apply to communications on behalf of the Council and to the use of electronic communications.

- (a) Official letters written on behalf of the Council dealing with Council business should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of the Leader of the Council or the Chair of a Policy Committee or other Committee of the Council.
- (b) Where Members feel that an Officer is better placed to respond to correspondence relating to Council business, Members should pass that correspondence to Officers, so that Officers can respond on behalf of the Council.
- (c) Correspondence between an individual Member and an Officer should not be shared by an Officer with any other Member, unless the Officer has been authorised to share the correspondence with other Members.
- (d) Correspondence which creates legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
- (e) Officers can provide Members with technical, Council information, which Members can use as part of their own correspondence and Members should correspond in their own name. When writing in an individual capacity, Members must make clear that fact.
- (f) Members and Officers should follow the Council's Electronic Communications Policy at all times.

Access to Information

2219. Members have a right to view Council documents (including both exempt and confidential material) in accordance with the statutory framework, i.e. where matters are to be considered at a formal committee meeting of the Council. Members may also be entitled to access information which is reasonably necessary to enable them to exercise their duties as a Member of the Council. Members with a particular role may have an additional (and in some cases statutory) right to access information, for example:

- (a) ~~Policy Committee~~ Executive Members - matters relating to any policy committee of which they are a member ~~their portfolio~~;
- ~~(b) — Scrutiny Members — matters relating to their terms of reference and committee business;~~
- ~~(c)~~(b) Ward Members - matters with particular implications for the ward (i.e. significantly more than for the general city).

230. All Members are also entitled to be briefed, as appropriate, on the same basis and within the same ~~——~~ constraints as set out above.

241. Access to information is also limited where:

- (a) The information is primarily needed for a non-Council purpose;
- (b) There is a conflict of interest;
- (c) There is an over-riding individual right of confidentiality (for example, in a children's or employment matter).

~~252.~~ The Proper Officer (Director of Legal and Democratic services) will make final decisions on Member access to information. Full Council appoints an officer to discharge certain statutory functions known as the Proper Officer. The relevant Proper Officer for access to information is the Director of Legal and Democratic Services³.

~~263.~~ Members may have access to exempt information in reports or exempt appendices. Exempt information is defined in our Constitution in the Access to Information Procedure rules [APR10.3](#).

~~274.~~ The presumption is that all information in formal reports should be open to the public but, where this is not possible, the public will be made aware of the nature of any information that is being discussed in exempt session. Any exempt information will, wherever possible, be contained in an exempt appendix.

~~285.~~ The process for deciding on whether information in a report is exempt and the relevant Member access is as follows:

- (a) Report authors must ensure that as much information as possible is open by using exempt appendices and/or redactions;
- (b) Where an Officer considers that information may be exempt, the Proper Officer will decide based on the rules set out above;
- (c) If the Proper Officer is satisfied that there is information that may need to be discussed in exempt session, they will consult with the Chair of the ~~Overview and Scrutiny Management Board or relevant Scrutiny Commission before making a final decision~~ relevant Policy Committee;
- ~~(d)~~ — Members of the relevant Policy Committee ~~Scrutiny Commission~~ will be given access to the exempt information in the report once the papers are published. ~~In some instances the Proper Officer may decide that this will be by managed access (i.e. viewing of hard copy documents), but this will only be in exceptional circumstances.~~

~~296.~~ Apart from information in reports, confidential material may be shared with Members if requested (except where there is an overriding Council interest e.g. protecting its legal and financial position) and natural justice requires disclosure (for example, giving an individual the chance to respond to allegations). All requests for access to confidential information will be considered by the Proper Officer.

~~3027.~~ ~~Executive Members, individually and collectively,~~ The Chairs and Vice-chairs of Policy Committees are entitled to regular — confidential briefings on matters relevant to their portfolios and in support of the — policies they are developing,

³ A list of Proper Officer functions can be found in the [Constitution](#)

prior to the formulation of formal proposals. — Informal briefings cannot be a substitute for providing all necessary advice in — the formal decision-making process. Officers must ensure that their objective — professional advice is robustly presented in the formal report.

~~28. — Scrutiny Chairs are entitled to regular and confidential briefings on matters relating to Scrutiny business (as a group, or individually).~~

~~3129.~~ Any unauthorised disclosure of Council documents will be treated as a breach of the Code of Conduct for Members (and Officers) and unlawful disclosure of Council documents may also expose the Member (or Officer) to the risk of legal action from a third party.

Publicity

~~320.~~ The Council has a duty to publicise its services and activity and to explain its objectives and policies to citizens in an accessible manner.

~~331.~~ The Government has issued a code of Recommended Practice on Local Authority Publicity which deals with the conventions that apply to publicity. It requires that all local authorities shall have regard to its provisions in reaching decisions relating to publicity.

~~342.~~ Particular care should be taken in relation to any publicity in the run-up to an election. Prior to each pre-election period, specific guidance is provided by the Monitoring Officer to all Members and Officers on the necessary precautions required in relation to publicity.

~~353.~~ The Code does not apply to press releases and publicity that Members may arrange and distribute in their individual political capacity. Members should refer to the Member Code of Conduct, which sets out the requirements related to publicity and communications. Members should neither use Council resources for party political purposes, nor ask officers to do so.

Dispute Resolution

~~36. — If an officer or a member feels that the protocol has not been followed, then they should raise it with the officer or member in question and if the matter is not resolved, it should be referred to the officer's line manager or the member's Party Group Whip or Leader as appropriate.~~

Scrutiny Function

~~34. — Scrutiny Members determine their programme for scrutinising the implementation of decisions and recommending policy changes to the executive. Reports commissioned and evidence requested will avoid.~~

- ~~(a) Duplicating work which is being contemplated or already being undertaken in support of developing executive policies;~~
- ~~(b) Incurring unreasonable costs and use of Officer time.~~

~~35. Overview and Scrutiny bodies have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Creating a strong organisational culture that supports scrutiny work that can add value by, for example, improving policy-making and the efficient delivery of public services.~~

~~36. Effective Overview and Scrutiny should:~~

- ~~(a) Provide constructive 'critical friend' challenge;~~
- ~~(b) Amplify the voices and concerns of the public;~~
- ~~(c) Be led by independent people who take responsibility for their role;~~
- ~~(d) Drive improvement in public services.~~

~~37. A Scrutiny Commission does not have the power to require a department to prepare reports for it, but the obligation upon Officers is to make all reasonable efforts to support Scrutiny and requests for information will only be refused in exceptional circumstances. The Head of Paid Service will have the final decision on whether a report will be provided to Scrutiny.~~

~~38. Where the Executive and a Scrutiny Commission are considering the same service area, the Executive Member, relevant Scrutiny Commission Chair and Head of Paid Service should agree a joint programme of work and the order in which reports should be consulted upon and presented.~~

Further advice on the application of this Protocol can be obtained from the Monitoring Officer. This Protocol will be reviewed annually by the Values and Ethics Sub Committee of the Audit Committee and guidance on its application will be provided as appropriate.

Updated ~~22nd October 2019~~August 2023 (Draft)

Additional Guidance Notes

1. ~~Executive Decision-makings~~

- 1.1 ~~Executive Members introduce reports at Cabinet.~~ Officer advice should be obtained, if possible, before the meeting on any alternative recommendation to be moved in order to ensure that relevant operational, financial and legal factors are taken into account.
- 1.2 The principle of unified advice requires that financial and legal and other implications of a decision are obtained and made clear in the report. The [Article 14](#) principles of decision making must be taken into account when preparing the report.
- 1.3 ~~The Chairs and Vice-chairs of Policy Committees will~~~~Executive Members~~ determine the timetable for developing their policies, —including:
- The point at which confidential ideas become formal proposals for publication;
 - Who to consult and to what deadline;
 - The timing of ~~executive~~ reports to Policy Committees.
- 1.4 ~~Deferring a report is an executive decision and responsibility (within legal constraints).~~ The Chief Financial Officer and/or the Monitoring Officer may require a report to be withdrawn.

2. Councillor Involvement in Casework and Staff Issues

- 2.1 A Member pursuing a ward matter on behalf of a family member or friend should declare the relationship and consider whether to ask another Member to represent.
- 2.2 Members should not provide a reference in relation to staffing matters within the Council (other than in exceptional circumstances). They should avoid involvement in staff lobbying outside of formal procedures.
- 2.3 Officers may raise issues with their local Councillor as citizens. They should not lobby a Councillor inappropriately on personal employment or budgetary matters in accordance with the [Code of Conduct for Employees](#).
- 2.4 Councillors should refuse to respond to inappropriate lobbying from Officers and inform the Head of Paid Service who can direct the individual to the appropriate channels.
- 2.5 Senior Officers should ensure their staff are aware of these requirements and ways that their views can be put forward.

3. Politically Restricted Posts

3.1. [The Local Government and Housing Act 1989](#) introduced a regime aimed at ensuring that key local authority employees are politically impartial. The Act designates certain posts as 'politically restricted' and those who hold such positions are disqualified from holding office as a Member of Parliament or Member of a local authority.

3.2 The following posts are politically restricted:

- a) The Head of Paid service;
- b) The Monitoring Officer and the Chief Financial Officer;
- c) The Chief Officers and Deputy Chief Officers;
- d) The Political Assistants and the advisor to the Mayor;
- e) Any other posts that conduct the following activities:
 - Giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority;
 - Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

It is possible for Officers to apply to be removed from the list and details can be obtained from the Monitoring Officer.

Appendix 2

Extract Minute - Committee Model Working Group - 8 September 23

7. Member Officer Protocol

The Director of Legal and Democratic Services introduced the report and reminded Members that the Value and Ethics Subcommittee also has responsibility for signing off the Member Officer Protocol and the purpose of the report was to gather feedback from the CMWG to help inform their discussions. Councillors made the following comments/recommendations:

- **Paragraph 1.3.** The reference to the 'executive' had been included in error and would be amended.
- **Paragraph 4f.** The wording regarding Councillors advocating for their constituents should be changed to state as far as possible.
- **Paragraph 10.** The two sections split out between officers and members had the same indexing at the start which can cause confusion. This should be amended. Where there is mention of confidentiality, Members would like officers to make it clear in correspondence or verbal communication where something is confidential or not yet in the public domain. Additionally, Members were reminded that if they have any concerns regarding the conduct of officers, they should raise this in the first instance with the officer's line manager. If a satisfactory conclusion is not reached, then the Member should escalate to the Head of Human Resources, or the Monitoring Officer.
- **Paragraph 10b.** Members requested this wording be amended to refer to equality and inclusion.
- **Paragraph 10i.** Officers stated that 'Working in a Political Environment' training is delivered regularly to officers and had to date, been provided to over 1000 attendees.
- **Paragraph 21b.** The wording should be changed to 'where you feel an officer is best suited to respond'. This could be due to technical knowledge being required, or a press query etc. It was not intended to prevent Members from responding to constituents where appropriate.
- **Paragraph 21c.** Officers clarified that this paragraph meant that officers would not share information from a Councillor, with other Councillors, without consent and agreed this would be amended in the final report.
- **Paragraph 30.** Vice-Chairs is misspelled and will be corrected.
- **Paragraph 31.** Members recommended changing 'unauthorised' to 'unlawful', so it is clearer. Members also wanted to know why exposure to risk of legal action was only aimed at Members and not officers. The Monitoring Officer agreed to review this.
- **(Former) Paragraph 34.** The Committee were advised that the Scrutiny section had been deleted from the revised Member Officer Protocol because the function would no longer be delivered in the same way, but all relevant points would be included in the new Policy Committee Procedure Rules.

RESOLVED: That the comments from the Committee Model Working Group in relation to the Members Officer Protocol tracked changes version be relayed to the Values and Ethics Sub Committee.