

# Committee Model Working Group Agenda



**Date:** Friday, 8 September 2023

**Time:** 9.30 am

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

## **Distribution:**

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

**Issued by:** Democratic Services

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**Date:** 31/08/2023



# Agenda

**1. Welcome, Introductions, and Safety Information**

**2. Apologies for absence**

**3. Declarations of interest**

**4. Minutes from the previous meeting and decisions log**

**(Pages 3 - 8)**

**5. Public Forum**

Please note the following public forum deadlines apply:

**(Pages 9 - 11)**

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

**6. Member Code of Conduct**

**(Pages 12 - 40)**

**7. Member Officer Protocol**

**(Pages 41 - 54)**

**8. Local Decision Making - Verbal update from the Chair of the Area Committees Working Group**

**9. Work Programme - for noting**

**(Pages 55 - 59)**



## Committee Model Working Group – 28<sup>th</sup> July – Minutes

**Attendees:** Councillor Jenny Bartle (Chair), Councillor Geoff Gollop (Vice-Chair), Councillor Marley Bennett, Councillor Mark Bradshaw (substituting for Councillor Holland), Councillor Andrew Brown (substituting for Councillor Kent), Councillor Richard Eddy, Councillor Lorraine Francis, Councillor Gary Hopkins, Councillor Ed Plowden (substituting for Councillor Makawi), Councillor Guy Poultney, and Councillor Tom Renhard (substituting for Councillor Pearce).

### 1. Welcome, Introductions, and Safety Information

The Chair welcomed those present and introductions were made.

### 2. Apologies for absence

Apologies were received from;

- Councillor Holland, substituted by Councillor Bradshaw
- Councillor Makawi, substituted by Councillor Plowden
- Councillor Pearce, substituted by Councillor Renhard
- Councillor Kent, substituted by Councillor Brown
- Councillor Beech.

### 3. Declarations of interest

There were no declarations of interest.

### 4. Minutes from the previous meeting and decisions log

The minutes from the 30<sup>th</sup> June 2023 were approved as a correct record.

Members noted the decision log.

### 5. Public Forum

The following public forum statements were received for the meeting.

Statements	
Number	Name
PS01	Clive Stevens
PS02	Dr Ann Kennard, Secretary, Bristol International Twinings Association
PS03	Dianne Francombe, CEO, Bristol & West of England China Bureau
PS04	Mary Page
PS05	Dan Ackroyd

A statement was also received from David Redgewell which was omitted in error but was shared with Members and subsequently published.

**RESOLVED:** That the public forum be noted.

## 6. External Partnerships Report

The Director of Legal and Democratic Services introduced the report and reminded members of the discussion regarding One City that had taken place at the previous meeting of the Committee Model Working Group. The Group went on to consider the report, commenting as follows:

- It was confirmed that 2.6 FTE (full time equivalent) officers had been appointed to the City Office on 12-month fixed term secondments.
- Members were advised that the Council had multiple partnerships in place of varying types. The purpose of the information provided in the report was to set out the arrangements for those partnerships that related to the role of the current Cabinet Members, as well as One City and WECA.
- Officers confirmed that Members who have a company director role received extensive training, including managing conflicts of interest, as well as ongoing officer support.

The Head of the Executive Office provided a detailed [presentation on WECA](#) (West of England Combined Authority) including background information, the current working relationship, and questions that the Committee needed to consider. The Group went on to consider the presentation and report, with officers and Members commenting as follows:

- Officers were working throughout the region to develop proposals for upcoming WECA Committee meetings to request appropriate funding. These proposals were published 28 days in advance via the Forward Plan and scrutinised where appropriate.
- Members raised concerns that not enough time was given between publication of papers to enable meaningful scrutiny. They requested that this be reviewed.
- Clarification was given that although the Green Recovery Fund was currently underspent, there this position may well change significantly before May 2024.
- WECA must undertake a gateway review process every 5 years to unlock the next tranche of funds from central government. The next review would take place in 2025.
- It was noted that Members would like to revisit the possibility of North Somerset joining WECA.
- The Group was advised that decisions agreed by the WECA Committee could be revised under a future Leader, but members of WECA would be notified of any implications this may have, including any penalties from contractual agreements.
- The Committee raised concerns that the WECA Mayor had stood down as Chair of the Joint Committee, given that WECA officers were responsible for leading on major projects.
- Local Authorities would continue to work closely with WECA officers to develop the revised constitution and Economic Industrial Strategy.
- The Secretary of State had written to the UK's 10 Combined Authorities to ask what further powers they would like to be devolved. Before a response was submitted, discussions would take place within each of the WECA unitary authorities.
- The Group discussed whether it was appropriate for a Policy Chair or Vice-Chair to sit on a WECA Scrutiny Committee, given they may have been involved directly in the decision being proposed. Members voted and agreed that Policy Chairs and Vice-Chairs would not be allowed to sit on WECA Scrutiny.
- The Group agreed for the Leader of the Council to represent the Council at formal WECA meetings and Joint Committees but requested a document that outlined the Council's threshold on decisions the Leader could make without sign off from Full Council.

- It was agreed that the relevant Policy Chairs would attend WECA Advisory Boards on behalf of the Council.
- The Group requested that additional detail be added to Appendix 1 (spreadsheet of Cabinet Member meetings) to include functions, remuneration and status of the body.
- Due to the complex nature of external partnerships, it was agreed that officers would return to the next meeting to discuss this further. The Committee agreed to extend the next meeting.

#### **RESOLVED**

- Policy Chairs and Vice-Chairs will not be allowed to sit on WECA Scrutiny.
- Leader of the Council to represent the Council at formal WECA meetings and Joint Committees (subject to a clear threshold for decisions needed to report back to Full Council)
- Policy Chairs would attend WECA Advisory Boards on behalf of the Council.

#### **7. Local Decision Making - Verbal update from the Chair of the Area Committees Working Group**

Deferred.

#### **8. Work Programme - August to November 23**

The Committee approved the Work Programme, subsequent to the addition of the next meeting being extended to revisit External Partnerships.

## Committee Model Working Group

### Decisions Log

Topic	Decision	Date	Note
Leader/Deputy Leader	Leader and Deputy Leader to be in place, appointed by Full Council. Roles and responsibilities to be confirmed at 14 <sup>th</sup> April 23 meeting.	270123	Some concerns about the 'strong' leader model
Key decision threshold	Details TBC. £500k minimum.	270123	Current political oversight of decisions to be maintained or increased.
Forward Plan	Forward plan (s) to be in place – details TBC.	270123	
Emergency Decision Making	Assume APR 15 and 16 will be replicated but to be agreed once more details of how the arrangements operate have been provided.	270123	
Officer Delegated Decisions (OEDs)	Chairs/VCs to be consulted on OEDs in advance. May be a requirement to publish them before the decision and introduce the option for Call In.	270123 240223	
Local Decision Making	To be confirmed after the substantive discussion on 26 <sup>th</sup> May 23.	270123	
Budget and Policy Framework	Deferred to a later meeting.	270123	Decision to be made after details of the policy committee structure is available.
Member Forum/Public Forum	To be retained in the new model and may be expanded e.g., more time.	270123	Some concerns about the right balance between managing the business of the meeting and enabling additional engagement. Chairs' discretion to manage the meeting remains key.
Petition Debates	CMWG to review the threshold and agree pathway for debate and responses.	270123	
Agenda Settings	Leads to be invited to agenda setting meetings – draft reports to be available.	270123	
Briefings	Chairs/VCs to attend current Cabinet Member briefings.  Details for briefings for Policy Committee Members TBC	270123 240223	
Scrutiny	All scrutiny functions to be incorporated into the Policy Committees, including task and finish/inquiry day activities.	240223	
Escalation Panel	To be included in the new model and established by Full Council. Its purpose will be to consider decisions made by Policy Committees based on the grounds set out in Article 14 of the Constitution. All other arrangements to be confirmed	240223	
Policy Development	The process for policy development needs further consideration. Should include use of task and finish groups/inquiry days.	240223	
Audit Committee	Role and remit to be considered at a later date.	240223	

Policy Committees	There will be seven Policy Committees based on the Council's Corporate Themes, all reporting to Full Council. With the exception that the 'Effective Organisational Development' theme would become the 'Strategy & Resources Policy Committee'. Further details to be agreed at the CMWG's meeting on 28th April 23.	310323	
Delegations	Full Council are able to delegate powers to Committees, who in turn can delegate powers to sub-Committees	310323	
Subcommittee Membership	Membership of Subgroups could be any Councillor and did not need to be taken from the parent body	310323	
Frequency of Policy Committees	That the indicative frequency of Policy Committees would be every 6-8 weeks dependent on business.	310323	
Subcommittees	That there would be standing Sub-Committees relating to Health and Budgets, reporting to the Communities and Public Health and Strategy and Resources Committee respectively.	280423	
Policy Committees	That there be 8 Policy Committees as follows: <ol style="list-style-type: none"> <li>1. Adult Social Care</li> <li>2. Children and Young People</li> <li>3. Economy and Skills</li> <li>4. Environment and Sustainability</li> <li>5. Homes and Housing Delivery</li> <li>6. Public Health and Communities</li> <li>7. Strategy and Resources</li> <li>8. Transport and Connectivity</li> </ol>	280423	
Chair/Vice-Chair	That the Chairs and Vice Chairs of all Committees in the Committee system would be appointed by Full Council.	280423	
Policy Committees	The Strategy and Resources Committee will have oversight of the Councils Corporate Finances and will be Chaired by the Leader of Council.	280423	
Policy Committees	The Strategy and Resources Committee does not have to exclusively be made up of Policy Committee Chairs, with appointments to be made by the Whips in due course.	280423	
Policy Committees	Risk and performance will be monitored by individual Policy Committees. The Strategy and Resources Committee will monitor corporate risk and performance.	280423	
Partnerships	That a further discussion on One City take place at the July meeting of the Committee Model Working Group, which would ask Members to confirm the arrangements for the 24/25 Municipal Year.	260523	
Local Decision Making	That the CMWG establish a Working Group to consider how to increase local decision making through the existing Area Committees. The Area Committees Working Group would aim to complete their review in autumn 23, and would provide progress updates at each meeting of the CMWG.	260523	
Partnerships	That further consideration to the approach to the Mayoral Commissions be considered at the July meeting of the Committee Model Working Group.	260523	
Escalation Panel	There must be 10 Member Signatories, from at least 2 Party Groups for a decision to be escalated.	300623	

Escalation Panel	That Escalation Panel Members must not have been involved in making the original decision.	300623	
Petitions	That petition debates could take place at both Policy Committees and Full Council. The respective thresholds would be 1000 and 3,500 signatures.	300623	
WECA	That Policy Chairs and Vice-Chairs will not be allowed to sit on WECA Scrutiny.	280723	
WECA	The Leader of the Council to represent the Council at formal WECA meetings and Joint Committees (subject to a clear threshold for decisions needed to report back to Full Council)	280723	
WECA	That Policy Chairs would attend WECA Advisory Boards on behalf of the Council.	280723	



# 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](http://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 [committeesystem@bristol.gov.uk](mailto:committeesystem@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](http://www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services)



# Committee Model Working Group

25 August 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 Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

## **The significant issues in the report are:**

The Working Group is invited to consider the matters raised in this report and provide any feedback for consideration by the Value and Ethics Sub-committee.

## 1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report considers the requirement for a Member Code of Conduct and invites the Working Group to consider and make representations to the Value and Ethics Sub-committee 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 Working Group 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 Working Group 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.

## 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](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 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. Therefore, the Working Group will need to refer this matter to the Value and Ethics Sub-committee for their consideration.

## **6. Matters for the Working Group to consider**

The Working Group is invited to consider the matters raised in this report and provide any feedback for consideration by the Value and Ethics Sub-committee.

### **Appendices:**

Appendix 1 – Current Member Code of Conduct

Appendix 2 – Local Government Association Model Code of Conduct

## **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.

<b>Name</b>	
<b>Signature</b>	
<b>Ward</b>	
<b>Date</b>	



## **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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	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.
<b>Contracts</b>	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</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘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>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(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>
<b>Securities</b>	<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</p> <p>(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</p> <p>(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.***



# Committee Model Working Group

25 August 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 Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

## **The significant issues in the report are:**

The Working Group is invited to consider the matters raised in this report and provide any feedback for consideration by the Value and Ethics Sub-committee.



## **1. Summary**

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report proposes changes to the Member-Officer Protocol and invites the Working Group to consider those changes and make representations to the Value and Ethics Sub-committee 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 Working Group 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 to the Chief Executive any personal relationships which may be seen as influencing their work;
- (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 the requirement to arrange 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.

#### **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. Therefore, the Working Group will need to provide any feedback on the amended protocol and refer this to the Value and Ethics Sub-committee for their consideration.

#### **4. Matters for the Working Group to consider**

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

#### **Appendices:**

Appendix 1 – Amended Member-Officer Protocol

#### **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.<sup>1</sup>

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;

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<sup>1</sup> [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) 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 officers<sup>2</sup> 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. 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 treat others with R 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;
  - (g) Professional advice, not influenced by political views or preference,

<sup>2</sup> 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.

- 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.

Officers can expect from Members:

- (a) Promote equality 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 Officers 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 political 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 [Chief Executive 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 [or reasonable adjustments to enable them to discharge their duties](#). 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-committees~~ 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 details of which 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

### -Ward Member briefings

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

- (a) Where Officers are dealing with a ward issue, they shall ensure that all Local Ward Members are appropriately briefed on the issue.
- (b) Where a Ward Member requests a meeting on a ward issue with Officers, Officers shall ensure that meetings are arranged in a timely way.
- (c) All briefings and meetings between Ward Members and Officers about a 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 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) Members should pass all correspondence relating to Council business 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 with any other Member.
- (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**

22~~19~~. 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;~~
- (e)(b) Ward Members - matters with particular implications for the ward (i.e. significantly more than for the general city).

23~~0~~. All Members are also entitled to be briefed, as appropriate, on the same basis and within the same constraints as set out above.

24~~1~~. Access to information is also limited where:

- (a) The information is primarily needed for a non-Council purpose;
- (b) There is a conflict

- (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 Services<sup>3</sup>.

~~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, prior to the formulation of formal proposals. — Informal briefings cannot be a substitute for providing all necessary information — the formal decision-making

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

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 may also expose the Member 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 ~~22<sup>nd</sup> 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:
- (a) The point at which confidential ideas become formal proposals for publication;
  - (b) Who to consult and to what deadline;
  - (c) The timing of executive reports.
- 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 [or Committee](#) 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 [Chief Executive](#) ~~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.

## CMWG Work Programme 2023

Session Details	Date and time (all meetings are on Fridays)
<p><b>Agenda setting</b></p> <ol style="list-style-type: none"> <li>1. Annual Business Report</li> <li>2. Work Programme</li> <li>3. Decision-making under the current Mayor and Cabinet model of governance report</li> <li>4. Community Engagement Feedback report</li> </ol>	<p>13<sup>th</sup> January 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <p style="font-size: 2em; font-weight: bold; margin-left: -1em; margin-right: 0.5em;">Page 55</p> <ol style="list-style-type: none"> <li>1. Annual Business Report</li> <li>2. Work Programme</li> <li>3. Decision-making under the current Mayor and Cabinet model of governance</li> <li>4. Community Engagement Feedback</li> </ol>	<p>27<sup>th</sup> January 2023 11:00-13:00</p>
<p><b>Agenda setting</b></p> <ol style="list-style-type: none"> <li>1. Scrutiny report(s)</li> </ol>	<p>10<sup>th</sup> February 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Discuss options for a Scrutiny function</li> </ol>	<p>24<sup>th</sup> February 2023 11:00-13:00</p>
<p><b>Agenda setting</b></p> <ol style="list-style-type: none"> <li>1. Chief Executive attending</li> <li>2. Committee Structure report(s)</li> </ol>	<p>17<sup>th</sup> March 2023 11:00-13:00</p>

<ul style="list-style-type: none"> <li>3. Initial discussion on the proposals to the Independent Remuneration Panel</li> <li>4. External Communications plans and launch</li> </ul>	
<p><b>Public Meeting</b></p> <ul style="list-style-type: none"> <li>1. Committee Structure; to determine the number of Committees and their general responsibilities.</li> </ul>	<p>31<sup>st</sup> March 2023 11:00-13:00</p>
<p><b>Agenda setting</b></p> <ul style="list-style-type: none"> <li>1. Councillor Roles and Responsibilities report (s)</li> <li>2. Policy Committees – Structure and Responsibilities</li> </ul>	<p>14<sup>th</sup> April 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ul style="list-style-type: none"> <li>1. Councillor Roles and Responsibilities report</li> <li>2. Policy Committees – Structure and Responsibilities report</li> </ul>	<p>28<sup>th</sup> April 2023 11:00-13:00</p>
<p><b>Agenda setting</b></p> <ul style="list-style-type: none"> <li>1. Constitution update</li> <li>2. Local Decision Making report</li> <li>3. One City report</li> </ul>	<p>12<sup>th</sup> May 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ul style="list-style-type: none"> <li>1. Local Decision Making</li> <li>2. One City</li> </ul> <p><b>N.B. May decisions to be reported to July Full Council meeting</b></p>	<p>26<sup>th</sup> May 2023 11:00-13:00</p>



<p><b>Agenda setting</b></p> <ol style="list-style-type: none"> <li>1. Constitution update (links to the corporate policies and processes report)</li> <li>2. Corporate Policies and Processes report(s)</li> <li>3. Inquiry Day preparation</li> </ol>	<p>16<sup>th</sup> June 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Corporate Policies and Processes</li> <li>2. Forward Plan</li> <li>3. PC TOR</li> <li>4. PC Procedure Rules</li> <li>5. Escalation Panel</li> <li>6. Budget and Policy FW</li> <li>7. Member Forum</li> <li>8. Local decision-making update</li> </ol> <p><b>N.B. June decisions to be reported to July Full Council meeting</b></p>	<p>30<sup>th</sup> June 2023 11:00-13:00</p>
<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Work Programme until May 2024</li> <li>2. External Partnerships report(s)</li> <li>3. Update from the Director of Policy, Strategy and Digital</li> </ol>	<p>14<sup>th</sup> July 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Update of Work Programme until May 2024</li> <li>2. External Partnerships report(s)</li> <li>3. Briefings on specific external partnerships (i.e. WECA)</li> <li>4. Local decision-making update</li> </ol> <p><b>N.B. July decisions to be reported to September Full Council meeting</b></p>	<p>28<sup>th</sup> July 2023 11:00-13:00</p>

<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Member Code of Conduct</li> <li>2. Member- Officer Protocol</li> <li>3. Constitution Update – Part 3 Roles and Responsibilities</li> </ol>	<p>11 August 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Member Code of Conduct</li> <li>2. Member- Officer Protocol</li> <li>3. Local decision-making (verbal update)</li> </ol> <p><b>N.B. August decisions to be reported to September Full Council meeting</b></p>	<p>25 August 2023 11:00-13:00</p>
<p><b>Agenda Setting</b></p> <p>Page 58</p> <ol style="list-style-type: none"> <li>1. Delegated Officer decision-making</li> <li>2. Emergency decision-making</li> <li>3. Constitution Update – Part 4 Procedure Rules</li> <li>4. Public engagement events update</li> </ol>	<p>15 September 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Delegated Officer decision-making</li> <li>2. Emergency decision-making</li> <li>3. Local decision-making (verbal update)</li> </ol> <p><b>N.B. September decisions to be reported to November Full Council meeting</b></p>	<p>29 September 2023 11:00-13:00</p>

<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Local decision-making (recommendations)</li> <li>2. Constitution Update – Part 5 Codes and Protocols</li> <li>3. Public engagement events update</li> </ol>	<p>13 October 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Local decision-making (recommendations)</li> </ol> <p><b>N.B. October decisions to be reported to November Full Council meeting</b></p>	<p>27 October 2023 11:00-13:00</p>
<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Plan for the review of arrangements post 2024</li> <li>2. Any outstanding matters</li> <li>3. Constitution Update – Part 1 Summary and Explanation</li> <li>4. Constitution Update – Part 2 Articles of the Constitution</li> </ol>	<p>10 November 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Plan for the review of arrangements post 2024</li> </ol>	<p>24 November 2023 11:00-13:00</p>