

Values and Ethics Sub-Committee

Agenda



Date: Monday, 21 January 2019

Time: 12.00 pm

Venue: Meeting room, City Hall

Distribution:

Councillors: Adebola Adebayo, Olly Mead, Anthony Negus, Liz Radford and Clive Stevens

Copies to: Nancy Rollason (Service Manager Legal), Allison Taylor (Democratic Services Officer), Lucy Fleming (Head of Democratic Engagement) and Louise deCordova (Democratic and Scrutiny Manager)

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Date: Friday, 11 January 2019



Agenda

1. Welcome, Introductions and Apologies

2. Declarations of Interest

3. Minutes

To agree as a correct record.

(Pages 3 - 4)

4. Recommendations to inform the Work plan for the Values & Ethics Sub-Committee for the 2019/20 municipal year

(Pages 5 - 9)

5. Applications for dispensations

(Pages 10 - 12)



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

26 November 2018 at 1.00 pm



Members Present:-

Councillors: Adebola Adebayo, Olly Mead, Anthony Negus ,Clive Stevens and Richard Eddy

Officers in Attendance:-

Nancy Rollason (Service Manager Legal) and Allison Taylor (Democratic Services Officer)

1. Welcome and apologies.

These were received from Councillor Radford with Councillor Eddy as substitute.

2. Declarations of Interest

There were none.

3. Minutes

These were agreed as a correct record.

Resolved – that the minutes of the meeting be agreed as a correct record and signed by the Chair.

4. Honorary Aldermen Nominations

The Sub-Committee considered the Statements/details in support of the Alderman nominations as supplied by the respective political groups for Christopher Orlik and Claire Champion-Smith and the criteria governing the appointment of Alderman as set out in the report and found that the criteria had been met for the two nominations and it was:-

Resolved – That the Sub-Committee recommends to Full Council the appointment of Christopher Orlik and Claire Champion-Smith as Alderman.



Meeting ended at 1.15 pm

CHAIR _____



Values and Ethics Sub Committee

21st January 2019



Report of: Service Director Legal & Democratic Services (Monitoring Officer)

Title: Recommendations to inform the Work plan for the Values & Ethics Sub-Committee for the 2019/20 municipal year

Ward: Citywide

Officer presenting report: Nancy Rollason, Head of Legal Service.

Recommendation:-

That the Committee agrees the programme of work for 2019-20 as set out in the report.

Summary

The Values and Ethics sub-committee held its first meeting on the 18th September 2018. The meeting resolved to meet on a planned basis twice a year and to meet on an ad hoc basis as needed. This report sets out recommendations for a work plan for the Committee in the Municipal year 2019-2020, in line with the Committee's Terms of reference.



Policy

The Values & Ethics Sub-Committee has taken over some of the functions previously undertaken by the Audit committee and will support the Authority's duty to promote and sustain high standards of conduct within the council.

Consultation

1. Internal

Monitoring Officer, Deputy Monitoring Officer.

External

Not applicable.

Context

On the 26th July 2018 the Audit committee established the Values and Ethics Sub-Committee in line with the Terms of Reference agreed by Full Council on the 17th July 2018 (at Appendix A).

The meeting agreed that membership of the sub-committee would comprise 4 councillors. The sub-committee would be chaired by 1 of the 2 independent members of the Audit Committee.

The Sub-Committee met on the 18th of September and decided when it will meet and the business it will undertake in line with its terms of reference. This report recommends a proposed work plan for the committee for the Municipal year 2019-20, and additional responsibilities for the Committee to consider that are in line with its terms of reference.

A key function of the Sub-committee will be to deal with allegations of Breach of the Member Code of Conduct, "where these are referred to them by the Monitoring Officer and the imposition of sanctions as appropriate in accordance with the law, the Council's Constitution and relevant procedures adopted by the Council".

The Monitoring Officer may consider that is appropriate to refer matters to the committee for general guidance on ethical issues.

The Committee will need to meet on an ad hoc basis to consider both referrals as well as any recommendations for Alderman Status if required.

The Sub-committee terms of reference include oversight of training for all members in the operation of the Member Code of Conduct and ensuring it is well publicised both within and outside the Council. Clarification is needed as to the responsibility for oversight as there is also a separate Member group that has been set up to deal with this. It is recommended that the Committee discusses and clarifies this at the meeting.

It is recommended that the Committee, in line with the terms of reference, oversees the implementation and operation of the Member DBS Policy and receives a report from the Monitoring officer on this in June or July 2019.

The Committee on Standards in Public Life is publishing its report into local government standards on the 30th January. It is recommended that the Sub-Committee considers the report at the next scheduled meeting in June or July 2019.

The Sub-committee is responsible for “the adoption, implementation and maintenance of a procedure for dealing with allegations of breach of the Member Code of Conduct; including monitoring and review and amending it from time to time as the Committee sees fit”.

It is recommended that the Sub-committee receive a report from Monitoring officer setting out the current procedure and any recommendations for review in January 2020.

The Sub-committee will advise the Council on the adoption and operation of the Member Code of Conduct, and make recommendations for change if considered necessary.

It is recommended that as this has only recently been implemented that this is reviewed by the committee in June or July of 2020.

The LGA Peer review action plan requires the Monitoring Officer to review the Member Officer protocol and the procedure regarding exempt materials and to provide guidance to members and officers in respect of these matters.

It is proposed that a report will be presented to an extraordinary meeting of the sub-committee to consider these matters in March or April of this year.

Other Options Considered

2. None necessary.

Risk Assessment

3. The need to independently review the risk, governance and control framework environment is pivotal to the effective operations of the Council’s functions.

Failure to maintain and, where required, improve this environment will not only impact on the proper practices of the Council, but will also be in breach of the Accounts and Audit Regulations 2015 and may attract an adverse opinion from the External Auditor.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular,

to the need to --

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
- tackle prejudice; and
 - promote understanding.

8b) No equality impact anticipated from this report.

Legal and Resource Implications

Legal implications:

The establishment of a Values and Ethics Sub-committee assists the Council to comply with duties under The Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Authority, including the duty to make arrangements to ensure that there is a process in place to investigate and make decisions in respect of allegations against members.

Nancy Rollason
Head of Legal Service

Financial:

(a) Revenue

Not applicable.

(b) Capital

Not applicable.

Land/Property

Not applicable.

Human Resources

Not applicable.

Appendices:

Appendix A – Updated terms of reference for the Audit Committee, including terms of reference for

the Values & Ethics Sub-Committee

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

“Audit Committees – Practical Guidance for Local Authorities and Police” – CIPFA 2013

Values and Ethics Committee

21st January 2019



Report of: Tim O’Gara Service Director – Legal and Democratic Services and Monitoring Officer

Title: Applications for Dispensations

Ward: Citywide

Officer presenting report: Nancy Rollason, Head of Legal Service and Deputy Monitoring Officer

Recommendation

The Values and Ethics Committee is recommended to grant dispensations to the elected Mayor and Councillors listed in Appendix A to this report to enable them to participate in discussion, vote on matters in relation to the civic budget and the setting of the council tax at the Full Council budget meeting on 26th February 2019 (such dispensations to be granted for this meeting only).

Summary

This report sets out the rules in relation to disclosable pecuniary interests (DPIs) and details those members who will have such interests in relation to the Full Council civic budget debate who would otherwise (i.e. if dispensation is not granted) be unable to participate in that discussion and vote. The report recommends that they be granted dispensations to enable them to take a full part at the Full Council budget meeting on the basis that it would be appropriate to grant such a dispensation.

The significant issues in the report are:

The statutory provisions in relation to DPIs, the grounds where dispensations may be granted, and the details of those members who are seeking dispensations.



Policy

Not applicable

Consultation

The Mayor and all councillors

Context

1. Sections 29-31 of The Localism Act 2011 set out provisions for the registration of disclosable pecuniary interest (DPIs).
2. Guidance on what constitutes a DPI is described in the appendix to the DCLG document "Openness and transparency on personal interests"

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf

DPIs are business interests e.g. employment, trade, profession, contracts or company in which a member and/or their spouse/partner etc. are associated and any wider financial interests which they may have. These interests are required to be registered and are shown in section 1 of the Council's Register of Members' Interests.

3. When attending meetings of Full Council, its executive, any committee or sub-committee, members who have a DPI **relating to any business that is or will be considered at the meeting** must not:
 - * participate in any discussion of the business of the meeting or, if they become aware of a DPI during the meeting, participate further in any discussion of the business, or
 - * participate in any vote or further vote taken on the matter at the meeting.

Such prohibitions apply to any form of participation, which includes speaking as a member of the public. Failure to observe this requirement could result in a criminal offence being committed.

Dispensations sought

4. Section 33 of the Localism Act 2011 allows the Council (delegated to the Values and Ethics Committee) to grant dispensations to permit members, in certain circumstances, to take part in the business of the authority even if a member has a DPI relating to that business. These circumstances are described in detail in the guidance but the main reasons for granting a dispensation are as follows:
 - a. Without the dispensation, the number of members prohibited from participating / voting in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
 - b. Without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
 - c. The grant of the dispensation would be in the interests of the inhabitants of Bristol.

- d. Without the dispensation, every member of the executive would have a DPI prohibiting them from participating/voting in any particular business to be transacted by the executive.
 - e. It is otherwise appropriate to grant the dispensation.
5. It is considered that one or more of the circumstances will apply to some members at the Full Council budget meeting. Members have been asked to consider whether they will have a DPI in relation to the business for the budget meeting and, if so, to apply for a dispensation to enable them to speak and vote at that meeting.
 6. **Appendix A** details the applications lodged where the Monitoring Officer considers that members have a DPI which warrants an exemption to enable them to vote at the meeting.
 7. The committee is also asked to note the following:
 - Member interests in the budget by virtue of being council tax payers / recipients of a council tax discount under the local arrangements for council tax support do not prevent participation in and voting at the budget meeting, so seeking a dispensation in respect of this is not necessary.
 - The dispensation which the Council may grant does not extend to the consideration of, or allocation of funds in respect of an individual interest. In such circumstances, the interest would no longer be incidental to the budget as a whole and it would be inappropriate for the member to participate in the budget discussion or vote thereon.

Other Options Considered

Not applicable

Legal and Resource Implications

As described above

Appendices:

Appendix A – Schedule of dispensations

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**Background Papers:**

None