



## **BRISTOL CITY COUNCIL**

### **MEMBER CODE OF CONDUCT**

**Updated v9.0 February 2018**

**Existing code of**

**conduct: <https://www.bristol.gov.uk/documents/20182/34176/cs-constitution-part5-code-of-conduct-for-members.pdf/4a461ac0-a73a-4357-b9a8-15040c38b459>**

## **1. Introduction and application**

- 1.1 This code of conduct applies to all elected members and as set out in the council's constitution must be observed at all times. This code is to support all members in carrying out your democratic duties and to ensure that you operate within the legal parameters that govern local government activity.
- 1.2 As an elected member it is worthwhile remembering that to your constituents you are perceived at all times as acting as a Bristol City Council councillor and you should consider your behaviour accordingly.
- 1.3 **Conduct**  
The Mayor and councillors will at all times observe this code and the **Protocol on Member / Officer Relations** set out in part 5 of this constitution and any other codes and protocols approved by the Full Council.
- 1.4 This code of conduct is to be signed immediately by you upon being sworn office and this will be done by the Monitoring Officer. Periodically this code of conduct may be updated and a new version must be signed by all elected members and records updated.

## **2. Application**

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

- 2.1 at all formal meetings, Committees and Sub-Committees
- 2.2 when acting as a representative of Bristol City Council
- 2.3 in taking any decision as a member of Bristol City Council
- 2.4 in discharging your duties as a member of Bristol City Council
- 2.5 in any interactions with members of the public in your role as a member of Bristol City Council
- 2.6 in any interactions with Bristol City Council officers
- 2.7 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
- 2.8 when corresponding with the authority and its officers other than in a private capacity

## **3. Procedure for non-compliance**

In the first instance all complaints or concerns with regards to Member behaviour should be referred to the Monitoring Officer. The Monitoring Officer will review the case based on evidence provided and will review the complaint in accordance with the local procedure, which may include escalation to the Values and Ethics Committee.

## **4. Related protocols**

- This document should be viewed in conjunction with:
  - **The Member-officer protocol**
  - **Head of Paid Service statute**

## 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 have a responsibility to represent all communities and the city of Bristol and work constructively with our officers, partner organisations and each other to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act 2011 provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the below principles to achieve best value for our residents and maintain public confidence in this authority<sup>1</sup>.

*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 declare 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.

~~**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.~~

~~**Honesty and Integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.~~

~~**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.~~

~~**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.~~

~~**Openness** – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.~~

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<sup>1</sup> Principle Revised description recommended by Committee on standards on Public life 2013

~~DELETED **Personal Judgement** – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.~~

~~DELETED **Respect for Others** – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers, and its other employees.~~

~~DELETED **Duty to uphold the law** – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.~~

~~DELETED **Stewardship** – Members should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.~~

~~**Leadership** – Members should promote and support these principles by leadership and example, and should always act in a way that preserves public confidence.~~

## 2. Principles and behaviours

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

### ~~Being lawful~~ **Behaving with integrity**

- 4.1 Ensuring that all my activity in my role as an elected member promotes the integrity of the role of councillor at all time and does not bring that role into disrepute. This does not impinge on the my right to freedom of speech under the European Convention on Human Rights <sup>2</sup>. ~~is underpinned by the principle of not bringing the office of elected member or the authority into disrepute.~~
- 4.1.2 Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority’s policies, protocols and procedures.
- 4.3 Providing information requested by the Council in a timely manner to enable the Council to meet its statutory obligations
- 4.4 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.

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<sup>2</sup> For political office-holders the right to freedom of speech under the European Convention on Human Rights places some restriction on the extent to which some behaviour which might otherwise be perceived as inappropriate can be sanctioned. Two high profile cases illustrate the point. The first involved a complaint made to the Standards Board for England in 2005 about comments made by the then Mayor of London, to a reporter. The High Court upheld, on a number of grounds, the Mayor’s appeal against the finding of the Adjudication Panel for England that he had brought his office into disrepute. These grounds included the finding that the original finding was contrary to the Mayor’s rights of freedom of speech (which did “extend to abuse”) under the common law and Article 10 of the Convention. More recently, in May 2012 the Queen’s Bench, Administrative Court (Wales) found that the Adjudication Panel’s decision that a council member’s comments made on his website had broken the council’s code of conduct had been a disproportionate interference with his rights under Article 10. Although the comments were “sarcastic and mocking” they fell “within the term ‘political expression’ in the broader sense”.

4.5 Not using my position improperly for personal gain or to advantage 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

4.24.6

#### **Respecting others**

4.34.7 Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially and not discriminating against people on the grounds of age, disability, gender and sex, marital and civil partnership status, pregnancy and maternity, race, religion or belief, and sexual orientation.

4.44.8 Not bullying, intimidating or attempting to intimidate others.

4.54.9 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.

4.64.10 Always treating people with respect, including the organisations and public you engage with and those you work alongside.

4.74.11 Not to compromise the impartiality of people who work for the authority.

4.84.12 Giving due regard to the professional advice of officers.

#### **Using resources legally and appropriately**

4.94.13 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.

4.104.14 Adhering to the council's media protocol to ensure that publicity and particularly social media is used in an appropriate manner and within the legal framework local government operates within.

#### **Being accountable**

4.114.15 Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

4.124.16 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 information when the wider public interest or the law requires it.

4.134.17 In all instances where confidential information is concerned I ~~agree~~ agree not to disclose confidential information but will ~~to~~ liaise with the Monitoring Officer if I feel that this information needs to be shared due to exceptional circumstances.

4.144.18 Not to participate in meetings or be involved in decision-making where I have a pecuniary interest – except when speaking when the general public are also allowed to do so.

#### **Being open**

4.154.19 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.

4.164.20 Championing the needs of residents across the whole area of Bristol City Council Unitary Authority and in a special way my constituents, including those who did not vote for me.

### Being a leader

3. 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.
- 3.
4. 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

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### 4.5. Disclosable Pecuniary Interests (DPIs) and non-pecuniary interests

By signing this code of conduct I agree to;

- 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 in accordance with best practice any non-pecuniary interests and ensure that my register of interests is kept up to date and notify the Monitoring Officer in writing within 14 days of becoming aware of any change in respect of my interests
- make verbal declaration of the existence and nature of any disclosable pecuniary and non-pecuniary 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.
- Be responsible for keeping all interests updated and notifying the relevant officers and chairs when in meetings
- “Meeting” means any meeting organised by or on behalf of the authority, including:–
  - any meeting of Bristol City Council, or a Committee or Sub-Committee of Bristol City Council
  - in taking a decision as a member of Bristol City Council
  - at any briefing by officers; and
  - at any site visit to do with business of the authority

### Other Interests

I have a “~~non~~-disclosable non-pecuniary interest” in an item of business of the authority where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person or body with whom I have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority’s administrative area, or;
- it relates to or is likely to affect any of the interests listed in the Register of Interests guidance, but in respect of a member of my family (other than a “relevant person”) or a person with whom I have a close association;
- and that interest is not a disclosable pecuniary interest.

*For the avoidance of doubt a report by a member to Bristol City Council, a Committee or Sub-Committee on the activities of an outside body to which they are appointed by Bristol City Council, will not constitute a breach of the Code of Conduct, provided the report does not require a decision that affects the wellbeing or financial position of the organisation.*

**5.6. Gifts and Hospitality**

- I must, within 14 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.
- The Monitoring Officer will place your notification on a **public register of gifts and hospitality**.
- ~~This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.~~

**6.7. Provision of advice**

- 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 maybe delegated to officers).
- 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.

**7.8. Council Companies**

As an elected member I may be required to represent the council and in doing so I am bound by the same principles of this code of conduct and should underpin your activity and decision making in this regard.

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| <b>Name</b>      |  |
| <b>Signature</b> |  |
| <b>Ward</b>      |  |