

Bristol City Council

Minutes of the Value and Ethics Sub Committee

26 March 2019 at 12.15pm



Members Present:-

Councillors Mead, Negus, Radford and Stevens.

Adebola Adebaya – Independent Member and Chair.

Officers in Attendance:-

Nancy Rollason – Head of Legal Services, Lucy Fleming – Head of Democratic Engagement, Nick Mimmack – Legal Services (for item 6) and Allison Taylor – Democratic Services

1. Welcome, Introductions and Safety Information.

These were made.

2. Apologies for Absence

None received.

3. Declarations of Interest

There were none.

4. Minutes of the meeting of 21 January 2019.

The minutes were agreed as a correct record and signed by the Chair.

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

5. Review of the Member Officer Protocol.

The Head of Legal Services reported that the Monitoring Officer (MO) had reviewed the document and determined that it was not clear in places, over long and repetitive. It was therefore decided to re-write it and to seek members' views preceding this.

The following points arose from discussion:-



1. Councillor Negus informed the meeting that he had met with the previous MO back in 2016 on this matter and three sets of documents were considered. He referenced Lewisham and Leeds Councils' protocols which were considered good examples of member officer protocols;
2. The issue of confidentiality/exemption should be included in the new draft protocol;
3. Councillor Stevens accepted that the Codes of Conduct were good documents but the Member Officer Protocol should be re-written. He referenced the wording 'respect and mutual trust' and suggested that 'mutual trust' was not always apparent in his opinion. He referred to the Head of Paid Service (HoPS) reporting to the Mayor and he believed it was not possible to trust this arrangement, although he clarified the governance was the issue, rather than the individuals involved. He suggested that the HoPS should sign up to a type of Hippocratic Oath in order to provide assurance that the post holder would uphold certain standards. He also questioned what Code of Conduct the MO followed;
4. Councillor Negus asked whether Interim post holders and co-optees signed Codes of Conduct, adding that any dealings with the Council meant that you should be bound by the Council's probity. He suggested that a copy of the Member Code of Conduct should be appended to the protocol for completeness;
5. Councillor Mead believed mutual trust should be an expectation. He questioned what recourse officers had should the Mayor do something that he should not do and the impact this would have on the Council's reputation. He highlighted the issues raised in the Bundred report but believed that better systems were in place now;
6. The Head of Legal Services asked members to circulate any further detailed comments to her. A draft protocol would be circulated for comment in advance of the next meeting on 28 May. She would also endeavour to locate the three documents Councillor Negus referred to.

Resolved -

- 1. That the views of the V&E Sub-Committee as set out in the minutes and as submitted in writing offline be considered by the Monitoring Officer when re-writing the Member Officer Protocol;**
- 2. That a draft Member Officer Protocol be considered at the next meeting of the V&E Sub-Committee.**

6. Update regarding Member development.

The Head of Democratic Engagement reported that a Member development Steering Group met monthly which Councillor Stevens sat on. This Sub-Committee had oversight of the work the Steering Group were doing. The Sub-Committee noted that previously member development had not been a priority due to the four-yearly election cycle but work was now being escalated with the impending 2020 elections. The Council's aim was to attain the charter mark from South West Councils. It was noted that a comprehensive programme of member briefings took place almost weekly.

The following points arose from discussion:-

1. Councillor Negus believed that member briefings were not the best format for training. From his experience the flow of a briefing was interrupted by questions and suggested that there should be a standard format where questions were reserved until the end;
2. Councillor Stevens suggested that there should be training in how the Head of Paid Service fitted into the Council;
3. Councillor Radford asked whether it was possible to skype into briefings as it was not always convenient to attend. She also suggested that consideration be given to the way briefings were



scheduled ie. perhaps a separate diary from all civic matters. The Head of Democratic Engagement agreed that both matters would be given further consideration;

4. Councillor Stevens suggested that the LGA could perhaps facilitate across the board issues training.

Resolved – That the comments of the V&E Sub-Committee as set out in the minutes be considered as part of the member development programme.

7. Guidance for Councillors regarding confidential/Exempt Information.

Nick Mimmack – Legal Services was in attendance for this item. He reported that comments received would be incorporated into draft guidance. Managed access would continue on a case by case basis and members could make representations to the Monitoring Officer if they believed that information should not be exempt. The Sub-Committee noted that Appendix B of the report would be published on the website after the meeting.

The following points arose from discussion:-

1. Councillor Negus referred to, in his view, the often used term ‘need to know’. He believed that having signed the Non-Disclosure Agreement every four years all Councillors had a need to know irrespective of whether they were a member of Committee or not. He did not support the redaction of reports to the point that they were made meaningless for public comprehension. Reports should be clear on what was not public and this information should be in the format of an exempt appendix to an open report. He added that a big concern was where information was being withheld not because it was commercial but because it was reputational. Officers should be relied upon to determine any infringement of the exemption guidance;
2. Councillor Stevens agreed adding that this was one of the reasons there was a lack of mutual trust.

Resolved – That the comments of the Sub-Committee as set out in the minutes be considered as part of the draft guidance.

8. Chair’s Business.

The Chair invited Councillor Stevens to speak on a matter he had requested to be raised. He reported that he had resigned from the Board of the Port of Bristol as it conflicted with BCC’s member Code of Conduct. Councillor Radford declared that her husband worked for Bristol Port so she would not take part in the discussion. The Head of Legal Services agreed to examine the matter and bring a report back to a future meeting.

The Chair allowed Councillor Negus to speak on two matters as follows:-

1. Councillor Negus invited a future discussion on the post of Head of Paid Service. He understood it to be very different from the previous Chief Executive role and wished to understand its relationship with the Mayor;
2. He raised an issue regarding the Mayor’s Office politicising replies to members’ questions at Full Council and that this crossed the line. He asked that this be examined. The Head of Legal Services



responded that this could be examined in terms of policies and procedures in the wider context. She agreed to give the matter some consideration and report back to the Committee.

Resolved – That the Head of Legal Services report back to a future meeting on:-

- i) The possible conflict of interest with the member Code of Conduct and the Bristol Port Board;**
- ii) Policies and procedures relating to responses from the Mayor's Office from Member Forum Questions at Full Council.**

Meeting finished at 1.20pm

CHAIR _____

