

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

30 January 2023 at 12.30pm



Members Present:-

Andrew Brown, Tony Dyer, Zoe Goodman and Jonathan Hucker

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

Officers in Attendance:-

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

1. Welcome, Introduction and Apologies for absence

The Chair welcomed all parties to the meeting. The Committee noted the emergency evacuation procedure arrangements.

Apologies received from Adebola Adebayo.

2. Declarations of Interest

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

3. Minutes of the Previous Meeting.

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

4. Public Forum.

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

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

The Chair asked the MO to respond.

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



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

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

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

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

The Chair asked the MO to respond.

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

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

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

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

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

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

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

5. Dispensations.

The MO stated that the report was before the Sub-Committee as a result of a Golden Motion relating to the private housing sector at the last Full Council meeting where a number of councillors had disclosable pecuniary interests as either tenants or as landlords in the Golden Motion and were therefore unable to participate in the debate or vote on the motion. Some councillors made enquiries about a dispensation in respect of the Golden Motion. Unfortunately, it was not possible to consider any applications for a dispensation as the function was currently reserved to the Value and Ethics Subcommittee and there was not enough time to call a meeting to consider whether a dispensation should be granted, and no delegation was in place to determine urgent applications for dispensations.

In addition, any application for any other dispensation would need to be determined by the Value and Ethics Sub-committee on a case-by-case basis. However, there was currently no mechanism in place to determine urgent applications for dispensations, where it was not reasonably practicable to convene a meeting of the Value and Ethics Sub-committee. It was envisaged that such urgent dispensations would be rare.



The following points arose from Sub-Committee questions:-

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

The following points arose from discussion:-

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

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

The meeting ended at 1.15pm

CHAIR _____



