

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

9 October 2023 at 12pm



Members Present:-

Tony Dyer, Zoe Goodman, Andrew Brown and Jonathan Hucker

Independent Member Adebola Adebayo – Chair.

Officers in Attendance:-

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

1. Welcome, Introduction.

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

2. Apologies for Absence.

There were none.

3. Declarations of Interest

There were none.

4. Minutes of the Previous Meeting.

Resolved – That the minutes of the 25 September 2023 be agreed as a correct record.

5. Public Forum.

Supplementary Question – Lesley Powell – ‘Are there adequate procedures to deal with alleged breaches of the Member Code of Conduct and what are these adequate measures?’

The Chair replied that it was the responsibility of the MO to operate the process. There were adequate measures but it was helpful to receive feedback so that there was continuous improvement.

Supplementary Question - Sian Ellis-Thomas – ‘Referring a complaint to the Ombudsman is meaningless – it’s about the power invested in one person to make all the decisions – too much power in one pair of



hands'

The Chair asked the MO to respond. The MO stated that his responsibility was clearly defined in Part 2 of the Constitution. The role of the Sub-Committee was to ensure that adequate measures were in place but not to be involved in the detail of the process.

Supplementary Question – Dan Ackroyd – ‘Has the change to the current procedure concerning not publicising the content of a complaint or outcome without the agreement of the MO been used retrospectively?’

The Chair asked the MO to respond. He stated that it was a long-standing position that a degree of confidentiality was maintained for fairness.

Supplementary Question – Mike Oldreive – ‘Have all requirements of Section 28 of the Localism Act 2011 been met?’

The Chair asked the MO to respond. The MO stated that Independent members were appointed by the MO and Head of Legal Services and there was no requirement in the legislation stating that the appointment was made by Full Council. Independent Members sat on Audit Committee and the Council’s Shareholder Group and they were appointed by Officers. *

The Sub-Committee then heard statements as listed under Public Forum.

6. Summary of Complaints against Councillors and revised Complaints Procedure.

The MO introduced the report stating that the summary of Complaints since June 2022 was for noting and the revised procedure was for approval.

The following points arose from discussion:-

1. A Councillor was not happy with various aspects of the procedure. One aspect was the need for dates for receipt of complaint, date of initial assessment and date of investigation or when it was determined not to proceed with an investigation so that the Sub-Committee could assess if BCC was meeting its 20 working day timescales;
2. A Councillor agreed that the Sub-Committee needed assurance that the system was working and it would provide assurance to the public without disclosing confidential information;
3. After some discussion on next steps the Sub-Committee agreed that it would be helpful to arrange a one-meeting Working Group to review the procedure in detail and bring back a revised procedure to a future Sub-Committee.

Resolved –

1. **That the the summary of Complaints made against Councillors since the last report to the Committee in June 2022 be noted.**
2. **That a one-meeting Working Group of the V&E Sub-Committee, supported by the Monitoring Officer, be held to review the draft procedure and a report be brought back to a future meeting of the Sub-Committee.**



7. Member Code of Conduct.

The MO reported the proposal to adopt the LGA model Code of Conduct from May 2024. This model had not been available when BCC's existing Code was reviewed in 2019. The LGA model had been before the Committee Model Working Group and was supported. It would require adoption at Full Council.

The following points arose from discussion:-

1. There was general support for the Code being adopted;
2. There was a concern around how clause 5.1 ('**I do not bring my role or local authority into disrepute.**') might be interpreted;
3. A Councillor did not support the inclusion of 5.1 as it could constrain a Councillor when expressing an opinion;
4. A Councillor suggested that being a Whistleblower should not be interpreted as bringing the Council into disrepute;
5. The MO stated that there was a caveat in the narrative which clarified the ethical way by which Councillors could discharge their function to challenge and express concerns about decisions and policies;
6. In reference to Appendix C – Best Practice 6 – Public Interest Test a Councillor suggested that BCC should publish a clear and straightforward PI Test. The MO stated that this could be considered at the one-meeting Working Group and he would review best practices in advance of the group meeting;
7. It was agreed that this extract minute would form an Appendix to the Full Council report on the Code of Conduct in order to inform the Council.

Resolved –

- 1. That the one-meeting Working Group consider best practice on the Public Interest Test;**
- 2. That the Code of Conduct be recommended to Full Council for approval subject to the need to draft, approve and publish a Public Interest Test and that some members of the Sub-Committee had reservations about the clause on political debate and bringing the council into disrepute.**

8. Member-Officer Protocol.

The MO reported that the Protocol had been reviewed in light of introduction of the new Committee Model of governance from May 2024.

There was some general discussion for clarification purposes, and it was debated whether, under paragraph 11, the Chief Executive was the correct Officer to report personal relationships to or whether it should be the MO. It was agreed that this could be determined by Full Council.

Resolved – That the Protocol be approved and referred to Full Council for consideration.

The meeting ended at 1.15pm



CHAIR _____

*** Post-meeting clarification dated 20 October 2023 - The recent recruitment process for Independent Persons will require the ratification of those appointments by Full Council and it is anticipated that this will be at the next ordinary meeting of Full Council on 14 November.**



