

Birmingham City Council Standards Committee

5th October 2023



Subject: Reports issued under s114 of the Local Government Act and s5 of the of the Local Government and Housing Act 1989

Report of: Janie Berry, City Solicitor & Monitoring Officer

Report Writer: Robert Connelly, Assistant Director Legal and Governance

1. Purpose of report:

1.1 To update members of the Standards Committee on the s114 notices published on 5th September (appendix A) and 21 September 2023 (appendix B) and the s5 notice published on 21 September 2023 (appendix C).

2. Recommendations

2.1 To note the report.

3. Background

3.1 On 5th September, the Section 151 Officer (Interim Director of Finance) issued a notice under section 114 of the Local Government Finance Act 1988 (appendix A). As a consequence, the Council must agree and implement a Financial Recovery Plan which balances the Council's expenditure with its income.

3.2 That recovery plan was considered and approved at a meeting of City Council on 25th September.

3.3 A further section 114 notice was issued by the section 151 Officer on 21st September on the basis that an omission of a decision by the Council involves incurring additional expenditure which is unlawful and the omission of a decision would cause a loss on the authority.

3.4 The section 5 notice, is issued by the Monitoring Officer, where it appears to the Monitoring Officer that:

“any proposal, decision, or omission by any authority has given rise to or is likely to or would give rise to a contravention of any enactment or rule of law or of any code of practice made on which the authority is represented”

3.5 The notices issued on 21st September will be considered by a meeting of City

Council in due course.

4. Financial Implications

4.1 There are none arising from this report

5. Legal Implications

5.1 There are no legal implications arising from this report.

6. Human Resources

6.1 There are none arising from this report.

7. Equalities / EIA

7.1 There are no public sector equality duties which are of relevance at this stage.

8. Implications for (or impact on) climate change and the environment

8.1 None