

Birmingham City Council Standards Committee

28 March 2024



Subject: Update on Councillor Complaints April 2023 – March 2024.

Report of: Marie Rosenthal, Interim City Solicitor & Monitoring Officer

Report Writer: Robert Connelly Assistant Director – Governance

1. Purpose of report:

- 1.1 To provide Standards Committee with an update on complaints under the Councils Code of Conduct during the period April 2023 – March 2024.
- 1.2 The purpose of the report is to make the Standards Committee aware of the nature of the complaints and the outcomes.

2. Recommendations

- 2.1 The Committee is recommended to note the report.

3. Background

- 3.1 The Localism Act 2011 (“the Act”) introduced fundamental changes to the regulation of standards of conduct for elected and co-opted members.
- 3.2 Under Section 27 of the Act, a relevant authority must:
 - i. promote and maintain high standards of conduct by its members and co-opted members; and
 - ii. when discharging its duty, adopt a voluntary code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members (that is in an official capacity)
- 3.3 Under section 28(6) of the Act a relevant authority must have in place arrangements:
 - i. under which allegations can be investigated; and

ii. under which decisions on allegations can be made

- 3.4 The Code aims to protect the public, Councillors, Local Authority officers as well as the reputation of Local Government. As such it sets out general principles of behaviours expected of all Councillors.
- 3.5 As part of the Council's complaints process, when a complaint is received, the Monitoring Officer (or their designated deputy) will undertake an initial assessment to determine whether a complaint can be considered under the complaint's procedure.
- 3.6 If following an initial assessment, the Monitoring Officer decides that the complaint is a valid complaint, then the Monitoring Officer will undertake an initial investigation. This investigation can be delegated to a Deputy Monitoring Officer (or where circumstances justify) to an external investigator. Where appropriate, the view of the Councils' Independent Person and the Chair of the Standards Committee will be sought.
- 3.7 To assist the Committee in gaining an understanding of the complaints a summary has been set out in Appendix 1 setting out a brief outline of the complaint and the outcome.
- 3.8 In addition to the matters set out in appendix 1, 8 matters have been referred to an external investigator to consider whether there has been a potential breach of the code of conduct. These matters are still ongoing although nearing a conclusion.
- 3.9 Furthermore, 6 further matters are currently under assessment and are ongoing.
- 3.10 The complaint (both resolved and those still ongoing) can be broken down into categories as follows:

Complaint Type	Number
Declaration of interests.	1
Service delivery.	1
Performance in undertaking Councillor duties including Failure/delay in responding to a constituent.	10
Behaviour – including making misleading or inappropriate statements including those on social media.	10
Councillor / Councillor.	12
Other outside the Code.	3
Total	37

3.11 Whilst further analysis is undertaken to look at potential trends, the total number of complaints received in 2023/24 is comparable with those received in 2021/22 and 2022/23 as per the table below.

	2021/22	2022/23
Declaration of interests.	1	1
Service delivery.	3	3
Performance in undertaking Councillor duties including Failure/delay in responding to a constituent.	13	8
Behaviour – including making misleading or inappropriate statements including those on social media.	12	21
Councillor / Councillor.	8	0
Other outside the Code	1	1
Total	38	34

3.12 However what is noticeable is that there is a significant increase in Councillors v Councillors complaints from 2022/23. However, a number of these complaints relate to specific circumstances which are currently under investigation. It is also worth noting that the Councillor v Councillor complaints in 2021/22 related to two council meetings that were held externally whilst the Council House was refurbished and were dealt with by way of informal resolution.

4. Financial Implications

4.1 Whilst there are no direct financial implications arising from this report, it should be noted that costs have been incurred in instructing an external investigator and until those matters are formally concluded it is not yet possible to confirm what those final costs will be. However this will be subject to a further report when known.

5. Legal Implications

5.1 Under Section 27 of the Localism Act 2011, a relevant authority must:

- iii. promote and maintain high standards of conduct by its members and co-opted members; and

- iv. when discharging its duty, adopt a voluntary code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members (that is in an official capacity)

5.2 Under section 28(6) of the Act a relevant authority must have in place arrangements:

- iii. under which allegations can be investigated; and
- iv. under which decisions on allegations can be made

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

9. Background Documents

9.1 Elected Members Code of Conduct (Part C of the Council's Constitution).

9.2 Elected members Complaints procedure [Complaints procedure | Complain about a Councillor | Birmingham City Council](#)

10. List of appendices accompanying this report

10.1 Appendix 1