

Birmingham City Council Meeting of City Council

28 March 2024



Subject: Arrangements for Dealing with Member Complaints – Update

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

Report Writer: Robert Connelly Assistant Director – Governance

1. Purpose of report:

- 1.1 To recommend proposed changes to the Councils constitution and the arrangements for dealing with Member complaints.

2. Recommendations

- 2.1 To approve the proposed changes to the Councils constitution as set out in appendix 1.
- 2.2 To approve consequential changes to the Committee's arrangements (complaints procedure)as set out in appendix 2.

3. Relevant legislations and Protocols

- 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

3.5 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.

3.6 Appendix 1 sets out further clarity to the role of the Standards Committee in the constitution when dealing with member complaints.

3.7 Appendix 2 reflects the consequential changes to the Council's arrangements (the complaints process) as a result of the changes set out in appendix 1.

4. Financial Implications

4.1 There are none arising from this report.

5. Legal Implications

5.1 There are no other legal implications other than those set out in this report.

6. Human Resources

6.1 There are none arising from this report.

7. Equalities Impact Assessment

7.1 There are no equalities implications that arise from this report.

8. Appendices

8.1 Appendix 1 – proposed constitutional changes.

8.2 Appendix 2 – proposed changes to the Council's arrangements (complaints process)