

# **BIRMINGHAM CITY COUNCIL**

## **STANDARDS COMMITTEE**

**THURSDAY, 28 MARCH 2024 AT 14:00 HOURS**  
**IN HMS DARING ROOM, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

### **A G E N D A**

#### **1 NOTICE OF RECORDING**

Chair to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES**

To receive any apologies.

**5 - 8**

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 23 November 2023.

5 **COMMISSIONER'S REVIEW AND COMMENTS ON AGENDA**

For the Committee to note the attached comments on the agenda.

Commissioner Comments in respect of each agenda item are published alongside each respective report.

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6 **GOVERNANCE STABILISATION PLAN PROGRESS UPDATE**

Report of the Interim City Solicitor and Monitoring Officer.

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7 **NEW PROTOCOL FOR MEMBER/OFFICER RELATIONSHIPS**

Report of the Interim City Solicitor and Monitoring Officer.

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8 **UPDATE ON COUNCILLOR COMPLAINTS: APRIL 2023-MARCH 2024**

Report of the Interim City Solicitor and Monitoring Officer.

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9 **GENERAL DISPENSATIONS**

Report of the Interim City Solicitor and Monitoring Officer.

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10 **DISPENSATIONS - BUDGET MEETING 5 MARCH 2024**

Report of the Interim City Solicitor and Monitoring Officer.

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11 **STATUTORY REGISTER OF DECLARATIONS OF INTEREST**

Report of the Interim City Solicitor and Monitoring Officer.

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12 **ARRANGEMENTS FOR DEALING WITH MEMBER COMPLAINTS - UPDATE**

Report of the Interim City Solicitor and Monitoring Officer.





## BIRMINGHAM CITY COUNCIL

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| <b>STANDARDS<br/>COMMITTEE 23<br/>NOVEMBER 2023</b> |
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**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE  
HELD ON THURSDAY 23 NOVEMBER 2023 AT 1400 HOURS IN  
THE ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA  
SQUARE, BIRMINGHAM**

**PRESENT:** - Mr Peter Wiseman in the Chair;

Councillors Deirdre Alden, Colin Green, Kath Hartley,  
Mahmood Hussain, Gareth Moore, Paul Tilsley and Mr  
Alistair Cowen, Mr Steven Jonas and Councillor Terry  
Wood.

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**NOTICE OF RECORDING**

The Chair advised the meeting to note that members of the  
press/public may record and take photographs except where there  
were confidential or exempt items.

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**DECLARATION OF INTERESTS**

No declarations of interests were made.

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**APOLOGIES**

Apologies for absence were received from Mr Steve Atkinson.

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**MINUTES**

The minutes of the meeting held on 5 October 2023 were confirmed  
and signed by the Chair.

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**INDEPENDENT MEMBER (STANDARDS AND INDEPENDENT REMUNERATION PANEL) APPOINTMENT**

The Assistant Director (Governance) introduced the report and informed the Committee that the proposed appointments as outlined in the report were being proposed following the completion of a thorough and detailed recruitment process.

The Committee considered the proposed appointments as outlined in the report.

**RESOLVED:-**

That the Committee recommended to City Council the following persons be appointed

| <b>ROLE</b>                      | <b>APPOINTEE</b> | <b>TERM OF OFFICE</b>         |
|----------------------------------|------------------|-------------------------------|
| Independent Person               | Alex Oram        | December 2023 - December 2024 |
| Standards Committee – Lay Member | Talbinder Kaur   | December 2023 – December 2027 |

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**OTHER URGENT BUSINESS**

There was no urgent business.

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**AUTHORITY TO CHAIR AND OFFICERS**

The Committee noted that in an urgent situation between meetings, the Chair jointly with the relevant Chief Officer had authority to act on behalf of the Committee.

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**EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC**

Due to the requirement of the Committee to consider the exempt minutes of the meeting held on 5 October 2024, the Chair announced that the press and public be excluded from the meeting.

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## **Standards Committee – 23 November 2023**

### **EXEMPT MINUTES – 5 OCTOBER 2023**

The exempt minutes of the meeting held on 5 October 2023 were confirmed and signed by the Chair.

The Committee agreed to move to informal session.

The meeting ended at 1415.





**Birmingham City Council  
Standards Committee**

28 March 2024



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**Subject: Governance Stabilisation Plan Progress Update**

**Commissioner's Review:**

Commissioners have no observations on this report.



# Birmingham City Council

## Standards Committee

28 March 2024



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**Subject:** Governance Stabilisation Plan Progress Update  
**Report of:** Marie Rosenthal, Interim City Solicitor & Monitoring Officer  
**Report author:** Amerdip Kaur, Head of Special Projects, Improvement and Delivery Unit

### 1 Executive Summary

- 1.1 This report presents an overview of the Governance Review conducted by the Centre for Governance and Scrutiny (CfGS) and the Stabilisation Plan which sets out recommendations and immediate actions that support the short-term stabilisation of governance at the Council, as endorsed by Cabinet in December 2023.
- 1.2 The Standards Committee is asked to consider updates provided on Recommendation 3, to 'Develop and publicise a set of baseline behavioural standards for members and officers'. This provides the context to the draft Member-Officer protocol and update on the Members Survey which the Standards Committee is asked to consider in a separate report, following this item.
- 1.3 The Centre for Governance and Scrutiny undertook an independent review of governance at Birmingham City Council in the summer of 2023. The report presenting their findings was agreed at Cabinet on the 12<sup>th</sup> December alongside the Stabilisation Plan.
- 1.4 The CfGS report identified a number of governance and cultural issues within the Council which need to be addressed. The Stabilisation Plan was produced jointly by Birmingham City Council (BCC) and Centre for Governance and Scrutiny (CfGS) and sets out recommendations and immediate actions that support the short-term stabilisation of governance at the Council. Actions for longer-term improvement will be incorporated into the Improvement and Recovery Plan.
- 1.5 Activity has commenced to deliver the Stabilisation Plan including the response to Recommendation 3, which encompasses the development of a Member-Officer Protocol and for Standards Committee to consider a review of member attitudes relating to member/ member and member/ officer interactions.

## 2 Recommendations

- 2.1 Standards Committee is asked to note the Governance Review conducted by the Centre for Governance and Scrutiny (Appendix A) and the Stabilisation Plan jointly produced by BCC and CfGS (Appendix B).
- 2.2 Standards Committee is asked to give consideration and comments regarding progress in responding to Recommendation 3: to 'Develop and publicise a set of baseline behavioural standards for members and officers' with particular reference to the following activities:
- Development of a new Member-Officer Protocol (further to constitution review)
  - Develop / define model behaviours that that will help support the delivery of the new Officer/ Member protocol.
  - Standards Committee to consider a review of member attitudes relating to member/member and member/officer interactions.
  - New guidance to members on the Code of Conduct

## 3 Background

- 3.1 In July 2023 the Council commissioned the Centre for Governance and Scrutiny (CfGS) to carry out an independent review of governance. The review was commissioned following a request from the Department of Levelling Up, Housing and Communities (DLUHC) Minister Lee Rowley MP. The Council was asked to consider an independent review to provide assurance that action was being taken to remedy the governance issues identified in reports from the DfE SEND Commissioner, Housing Ombudsman, and various Local Government & Social Care Ombudsman Public Interest Reports.
- 3.2 The purpose of the review was to assess key governance issues identified in those various external reviews and judgements, the Council's response to them, and to recommend actions to further improve governance at the Council. The scope of the review was agreed with DLUHC Local Stewardship Team officials, and was based on the themes of:

| Theme                                   | Areas of focus   |
|---|--|
| Leading effective governance            | Clarity of Vision and priorities<br>Understanding of roles and responsibilities<br>Culture and understanding |
| Enabling and supporting good governance | Robustness of processes and practice<br>Support services and functions<br>Levels of assurance and compliance |
| Financial Governance                    | Capacity and skills<br>Financial management and budget oversight<br>Financial risk management                |

|  |   |
|--|---|
| Improving governance and decision making | Customer focus<br>Stakeholder engagement<br>Learning from external review and challenge |
|--|---|

**4. Key Findings from the Review**

4.1 The CfGS report published in December 2023 identified a number of governance and cultural issues within the Council which need to be addressed and are presented via a report comprising a summary of key observations (Appendix A)

4.2 The report recognises that the Council’s current governance and financial challenges have not been caused by any single issue but that at the core is a problem of culture and behaviours, including a failure of individual and collective accountability and responsibility. The report refers to some of the key aspects of the culture and behaviours as follows:

- Low levels of trust between officers and members, a deep-seated blame culture, and a lack of commitment to basic principles of probity and good conduct.
- A defensive culture where there is difficulty in speaking up about bad news, and confusion and disagreement about who owns and “controls” data and what it says.
- A member focus on operational activity, which has developed into negative behavioural trends around member-officer relationships as officers find their freedom to carry out operational duties is constrained by heavy direction and oversight.
- Unwritten rules trumping corporate processes, due to governance systems that are inconsistent and/or only as reliable as the data provided and the people who operate them.

4.3 The report concludes that the varied nature of the causes and symptoms of the Council’s corporate governance failures make the situation facing the Council unique. This distinctiveness demands a unique solution on governance stabilisation and improvement and the solutions the Council adopts need to be framed around changes to culture and behaviours.

4.4 Commissioners have strongly endorsed the findings and recommendations of this CfGS review. They additionally note in their assessment, that some of the dysfunctional systems and behaviours identified by the review have become so deep seated in the organisation, they are actually regarded as the norm. This has meant that previous attempts to address these challenges within the organisation in recent years have evidently failed. This initiative now represents a critical opportunity to address the problems root and branch, but that will require exceptional determination and leadership across the organisation – members and officers alike.

## 5. Stabilisation Plan

5.1 A Stabilisation Plan (Appendix B) was jointly developed by BCC and CfGS and contains recommendations and immediate actions to support the short-term stabilisation of governance at the Council over the next six months. Actions for longer-term improvement have been incorporated into the Improvement and Recovery Plan.

5.2 The Stabilisation Plan comprises 13 recommendations, each consisting of several activities and key deliverables. The monitoring and oversight arrangements for the Plan are overseen by the Interim Monitoring Officer acting as Senior Accountable Officer (SAO), The Deputy Leader is the lead portfolio holder with political accountability for this area.

5.3 Monthly milestones have been developed against each activity which Accountable and Lead Officers are reporting against on a monthly basis. These updates go through a process of 'check and challenge' and are considered at the Stabilisation Plan Board. Progress is reported CLT and Informal Cabinet. A commissioner sub-board is also being set up to support the monitoring and oversight of the implementation activity of the plan.

5.4 Recommendation 3 is to 'Develop and publicise a set of baseline behavioural standards for members and officers'. Activities within this recommendation includes:

- Development of a new Member-Officer Protocol (further to constitution review)
- Develop / define model behaviours that that will help support the delivery of the new Officer/ Member protocol.
- New guidance to members on the Code of Conduct
- Standards Committee to consider a review of member attitudes relating to member/member and member/officer interactions.

To meet these activities a member-officer protocol has been drafted and a survey of member-officer relationships is being undertaken.

5.5 The Centre for Governance and Scrutiny has provided support in response to Recommendation 3.

5.6 Activities undertaken to deliver a new Member-Officer Protocol to date include the following:

- Desk-based best practice research
- Rapid review of measures to bring about shifts in attitude/behaviour.
- Planning for the member-officer protocol, including the terms and definition of model behaviours that will help to support delivery.
- Structured conversations with key stakeholders including officers and councillors.
- The draft Member-Officer Protocol has now been developed.

5.7 Activities undertaken to consider a review of member attitudes interactions are as follows:

- Developing a draft Member survey which has been considered by Political Group Leaders
- Deputy Leader coordinated comments amongst shadow Deputy Leaders.
- The member survey was sent out on the 6th March, and Members are being encouraged by Group Leaders as well as senior officers to complete the survey

## **6. Legal Implications**

6.1 There are no legal implications.

## **7. Financial Implications**

7.1 The activities described in this report are covered under approved existing budgets. No further funding is being requested at this stage.

## **8. Equalities Implications**

8.1 There were no identified significant impacts on any group or protected characteristic.

## **9. Environmental and Sustainability Implications**

9.1 No significant environmental and sustainability implications were identified.

## **10. Appendices**

10.1 Appendix A: CfGS Report

10.2 Appendix B: Stabilisation Plan

## **11. Background Documents**

None





# Independent governance review

Produced for Birmingham City Council

## Main report

Centre for Governance and Scrutiny

November 2023

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# 1. Introduction

1. In July 2023, the Centre for Governance and Scrutiny was selected by Birmingham City Council to carry out an independent governance review through a competitive tender process. The Council commissioned this work in response to a request by DLUHC.
2. The review's purpose was to summarise key governance issues and assess current and planned action to respond to them with an aim to;
  - support the continued improvement of governance at Birmingham City Council;
  - help the Council provide assurance to a range of stakeholders (internal and external) that it has an understanding and grip of the governance issues cited in recent external reviews; and
  - has appropriate actions (current and planned) to address these issues.

It was designed to cover the following themes and areas of focus:

| Theme                                       | Areas of focus   |
|---|--|
| 1. Leading effective governance             | <ul style="list-style-type: none"><li>• Clarity of vision and priorities</li><li>• Understanding of roles and responsibilities</li><li>• Culture and understanding</li></ul> |
| 2. Enabling and supporting good governance  | <ul style="list-style-type: none"><li>• Robustness of processes and practice</li><li>• Support services and functions</li><li>• Levels of assurance and compliance</li></ul> |
| 3. Financial Governance                     | <ul style="list-style-type: none"><li>• Capacity and skills</li><li>• Financial management and budget oversight</li><li>• Financial risk management</li></ul>                |
| 4. Improving governance and decision making | <ul style="list-style-type: none"><li>• Customer focus</li><li>• Stakeholder engagement</li><li>• Learning from external review and challenge</li></ul>                      |

3. Since the work was commissioned the landscape for improvement at the Council has changed significantly. On the 5<sup>th</sup> September the interim Director of Finance (and Section 151 Officer) issued a section 114 notice. On the 19<sup>th</sup> September 2023 the Secretary of State wrote to the Council's Chief Executive, notifying her that he was minded to intervene in the Council's management through the appointment of Commissioners. Finally, on the 21<sup>st</sup> September 2023 the Monitoring Officer issued a section 5 report, which triggered a second Section 114 notice.
4. This report does not seek to provide a running commentary on these events. Instead, it attempts to understand the nature of improvement in governance at Birmingham through a focus on answering a comprehensive set of questions as set by the Council's original specification.
5. Through exploring those questions, we have been able to identify both symptoms and root causes of the Council's current governance challenges and chart a path towards improvement.

### About the people carrying out this work

6. The Centre for Governance and Scrutiny (CfGS) is a charity that provides support, advice and guidance to a range of public and private sector organisations on matters relating to local governance. CfGS has a particular specialist practice in carrying out detailed governance reviews and evaluations of local authorities in England, and in creating and helping to implement plans for improvement in councils experiencing failure or serious governance challenges.

### The structure of this report

7. This main report comprises a summary of what we have learned from our evidence-gathering exercise and is organised to reflect the four main themes that we have been asked to investigate.
8. The report supports a stabilisation plan – which focuses on practical actions that can be undertaken between now and April 2024, and which has developed by CfGS and the Council together.

### Acknowledgments

9. We would like to thank those people who we interviewed, one to one and in focus groups, for their frankness and candour.
10. We would also like to thank the Birmingham City Council officers who supported us in carrying out this work, during a period of exceptional unpredictability – in particular, Paul Clarke, Amerdip Kaur, Michelle Webb and Georgia Bough.

## 2. Methodology

1. This review was designed to investigate Council governance – the internal systems and processes which exist to support effective decision-making by members and officers, and the oversight of that decision-making. The review was not a general one of Council effectiveness. It was not designed as a broader exercise to explore the Council’s wider improvement challenges, although it is closely connected to that work. The methodology for the work has therefore reflected that focus.
2. Our plan for undertaking the work consisted of 5 stages:
  - **Stage 1 - Insight conversations** - initial orientation and diagnosis through insight conversations with a range of officers and members, and a detailed desktop review of evidence drawing from a wider range of internal and external documentation.
    - Over 80 conversations took place, either through one to ones, or in focus groups discussions.
    - Our desktop research involved looking at the external reports, evaluations and interventions that Birmingham has had in recent years (the most influential of these having been the Kerslake Review in 2014). We also carried out a review of plans, policies and processes and observations of council meetings. Documents included past and present improvement plans, internal procedures, as well as the agendas, minutes and reports and observing several recent Council meetings, via webcast
  - **Stage 2 - Governance journey mapping** - exercises for Oracle implementation, equal pay, housing improvement, and the Council’s approach to SEND. This has involved reviewing; the steps taken through the formal governance system, who has made decisions, and what information has been shared with members to facilitate the making of those decisions.

This exercise has not been a substantive review of the decisions themselves but an investigation into the specific governance issues involved in those matters. This stage also included developing a “theory of action”, which we explain in more detail in section 3.
  - **Stage 3 - Reviewing behaviour change** - exploring what change and any actions to improve, will look like. Informed by action learning activities undertaken with a range of officers and members. This involved the production of a “blueprint for change”, which reflects our theory of action and which is set out in section 3.
  - **Stages 4 and 5 - Improvement planning** - drafting of plans for improvement and their implementation.

### Triangulating evidence

3. We have gathered a large amount of evidence as part of this review. An important part of the exercise has been to triangulate this evidence. When someone told us something in an interview, or when we read something in a document, we have tried to find separate evidence (ideally, from multiple sources) to corroborate that evidence.

4. A lot of the focus of our work is on behaviour and culture, which means that a lot of the evidence relating to this is subjective – it is about people’s responses, reactions and perceptions of things. Just because a lot of people think something does not necessarily make it true. We have used our own judgement, based on a significant amount of research and through having carried out similar work in other councils, to reach conclusions about how evidence best fits each other.
5. In carrying out this work, we also have been aware that others are also actively overseeing work to stabilise and improvement governance at the Council.
6. The process of evidence gathering was, by necessity and design, limited to individuals within the Council. We expect that the planned “local inquiry”, being developed by DLUHC, will provide an opportunity to gather evidence from a wider range of local stakeholders.

The form that our recommendations take

7. We have worked with the Council to produce a stabilisation plan. This is presented as a separate document. It is informed by the theory of action and blueprint for change set out in section 5 of this report.
8. The Council is currently confronting several challenges that warrant strategic actions, tailored to two distinct timescales. We are proposing a structured, two-phase approach to navigate through these challenges:
  - Stabilisation Phase: Effective immediately until April 2024. The plan, set out in section 4, is focused on this phase.
  - Improvement Phase: Commencing post-April 2024. We consider that improvement activities for the medium and long term will need to be developed, over the coming months, as part of the wider exercise to build an Improvement Plan for the Council.

**Stabilisation Phase** (From now till April 2024): Ensuring Stability and Balance

This period is a period of stabilisation where the emphasis will be on the delivery of a balanced budget in 23/24, the preparation of a balanced budget for 24/25, and the agreement of that budget and a Medium-Term Financial Strategy.

There is also the need for the Council to develop and agree an Improvement Plan, which will need to be in place six months following the arrival of Commissioners.

Actions undertaken during this period will need to lay the groundwork for future improvements through;

- a. Risk Management Reform: Refine systems for identifying, managing, and escalating risks.
- b. Enhanced Member Oversight: Increase the precision and impact of member oversight practices to assure proportionality and focus.
- c. Addressing Behavioural Issues: Initiate strategies to challenge and rectify poor behaviours among officers and members.
- d. Setting Cultural Foundations: Begin instilling foundational shifts to pave the way towards an evolved organizational culture.

**Improvement Phase** (Post-April 2024): Charting the Path Forward

Active improvement at the Council – long term improvement – can only begin once the current crisis has been overcome. This is why our more extensive actions are ones that

we consider can only be taken in spring 2024. This is when the Council's deeper improvement journey will begin.

Both phases are integral to navigating through the current challenges and steering the Council toward a stable and improved future. This approach ensures that immediate pressures are managed efficiently while setting a solid foundation for consistent, long-term enhancement in the subsequent phase.

#### Clearance and accountability

9. We have shared emerging findings from this work with the Council at key points in the evidence-gathering process – usually at the end of each stage. Our findings remain our own. The Council, and people within it, have made no attempt to influence or change those findings, other than to correct errors of fact. Any errors that do remain are the authors' own.

## 3. Overview

1. This report is the product of an independent governance review into Birmingham City Council. It is focused on four specific areas, which we treat in depth in the next section.
2. Birmingham City Council is in an exceptionally difficult situation. The immediate challenge continues to be dealing with the shocks to its finances which emerged in the spring and summer of 2023. This high-profile evidence of crisis is a symptom of a wider and more fundamental set of issues around;
  - how decisions get made by the Council,
  - how members and officers work together to make those decisions and – critically
  - how information and insight is used to support that decision-making.
3. As it attempts to tackle these more fundamental issues, the Council needs to assure itself, and its partners, that it has the grip on the immediate steps that it has to undertake to act on matters on which previous governance issues have emerged, often through previous external reviews.
4. External assurance has in particular been sought on action to recover from issues highlighted in three main areas, into which we have conducted “journey mapping” exercises, intended to review how, in what form and by whom certain decisions have been made:
  - Oracle, where procurement of a new enterprise resource planning (ERP) system for the authority has suffered a significant failure;
  - Equal pay, where substantial new liabilities for the Council emerged earlier in 2023;
  - Housing, where significant, adverse regulatory findings from Government earlier in 2023 arose from failures in housing repairs, and in dealing effectively with complaints.
5. The extent to which the Council has been able to put in place arrangements to recover and improve these issues demonstrates its potential capability in tackling its wider improvement needs. We have therefore used these issues as case studies to inform our judgement on those wider issues, as well as determining whether adequate arrangements are in place to improve on these matters specifically. In carrying out this work we note that the Council’s external auditor Grant Thornton is undertaking its own review of some of these issues, and that the planned “local inquiry” instigated by Government is also planning an in-depth review on the same matters. As such, while our findings are informed by research into these issues, we are not presenting detailed standalone analysis on them.
6. Overall, the Council is aware of its weaknesses. It has been subject to a range of both corporate and service-specific reports and evaluations over the course of many years. In the main these interventions have had limited impact on the root causes of the Council’s governance issues. The Kerslake Review highlighted these weaknesses in 2014, and an Independent Improvement Panel (BIIP) was put in place by Government. This remained in Birmingham for just over four years, monitoring the council’s implementation of Lord Kerslake’s recommendations.
7. Birmingham’s current governance, and financial challenges have not been caused by any single issue. The impact of more than a decade of funding cuts has had substantial effects on the Council’s ability to adapt to new needs and realities. On its own, however, austerity cannot explain how and why Birmingham is in this critical position. Similarly, other factors, highlighted to us in interviews as key causes of the Council’s current situation, do not tell the



whole story. The Council's size, the failure to effectively implement Oracle, its lack of awareness of its equal pay liabilities, and its hosting of the Commonwealth Games are all relevant considerations – but no specific one of these present a root cause of failure.

8. Problems cannot, either, be put down solely to difficult relationships between the Council and trades unions, or tensions in member-officer relationships. All those issues, significant though each of them is, combine with others to create the very serious conditions facing the Council today. The multifaceted nature of the causes, and symptoms, of Birmingham's corporate governance failures make the Council's situation unique – this distinctiveness will demand a unique solution on governance stabilisation and improvement.
9. These issues we reflect are symptoms of a wider problem relating to governance and accountability – which, to date, remains largely unaddressed even though the Council, and others, have been aware of it for some time. It is at its core a problem of culture and behaviours – a failure of individual and collective accountability and responsibility.
10. The result is that the Council does not function as one organisation. While recent improvements in the capacity and capability of the “corporate core” have helped to provide a sense of common purpose at the top of the organisation, the Council largely continues to operate as a collection of individuals, and groups of individuals, holding motivations and objectives which sometimes align with the corporate interest of the authority, but frequently do not. Team working exists – and there is some productive, cross-cutting work in some areas. However, as a norm, there is not a “whole council” approach to identify priorities for the authority, to manage expenditure, to understand and manage risk, and to ensure that the right people are involved in decision-making and oversight, in the right way and at the right time. It has long been known that the Council has a “silo working” culture, and substantial work has been undertaken recently to strengthen the capacity and capability of the Council's corporate core. But more profound cultural, and behavioural, change is necessary for these efforts to be sustained.

#### **What do we mean when we talk about the “corporate core” of the organisation?**

Much of this report focuses on the current and future role of the “corporate core”, or “corporate centre” of the organisation. For us, this means:

- Legal services;
- The finance team;
- Officers working in democratic services and scrutiny;
- Officers carrying out corporate, and corporate-facing, activity around:
  - project and programme management;
  - performance management;
  - equality, diversity and inclusion;
  - data and analytics;
  - community engagement, participation and consultation;
  - organisational development;
  - digital services (including attitudinal and culture facets to the Council and local people's relationship with technology, rather than operational ICT provision);
  - communications, both internal and external.

These functions should all be considered strategic functions of the authority, and as tools by which the Council can effect change.

Some of these services are provided within the Strategy, Equalities and Partnerships (SEP) Directorate. Our comments and recommendations should not be seen as a suggestion that

the Council should reorganisation or restructure these services, or that the only place that some of this corporate activity is – or should be – in the corporate centre. But these functions have a key role in supporting service departments to set and model effective behaviours and good governance – and in developing awareness and capability in these corporate issues themselves. Thereby embedding an understanding of these disciplines within service departments, rather than assuming that it is the corporate core's exclusive duty and responsibility to drive new behaviours in these areas.

### **Change is happening...**

11. There is an understanding that governance needs strong grip, and at pace, to improve. Arrangements are being put in place to bring about that improvement. There is progress on systems such as the prioritisation of work, and there is a stronger focus on the use of data and information to build the Council's corporate capacity.
12. Some of these improvements are recent, so have had little time to bed in – for example;
  - spend controls that have only been in place for a matter of months – and which will be temporary, meaning that the need to rebuild strong financial systems is critically important;
  - more effective ways of working for Corporate Leadership Team (CLT), which has adopted a more rigorous approach to performance assurance;
  - an improved framework of operation for both the Audit Committee and the Council's overview and scrutiny committees, which suggest a shift in the right direction but need to be further expanded and developed;
  - improvements such as to project and programme management at a corporate level, that have been in place for less than two years and are beginning to have some impact.
13. Many of the changes that we see happening are focused on the corporate core, and the upper levels of management in the organisation.
14. There is now better understanding that some of the historic issues, are deep and systemic – and are not solved with one big idea, one team or an isolated plan. Therefore, these recent, positive changes will all contribute to the next steps taken to stabilise, and improve, the Council's governance.

### **...But needs to go further**

15. As it stands, action to improve is only going so far. The Council currently lacks the capacity and capability to do more, and to do it more quickly, delivering the change that everyone knows is needed. The pressure to maintain council services in the here and now, in the face of immediate financial and other challenges, is taking up a substantial amount of headspace for councillors and officers.
16. This means, too, that the prospects for sustained improvement on the issues identified by our three journey mapping exercises is also uncertain. Credible plans exist for recovery and improvement. In another authority, and in another context, we would agree that they look credible and robust. We cannot point to deficiencies in how recovery plans have been designed and on the rigour of the management systems in place to provide oversight and accountability. In fact, we note that recent actions by the Council, led by CLT, to assert more grip over project and programme management, and on improvement overall, gives rise to an expectation that sustained improvement may be possible in a way that has previously eluded the Council.

17. But the general weakness in the Council's culture around improvement, and its limited capacity overall, cast doubt on whether those plans can be delivered without further action to change, and change fundamentally, the way that the Council operates. The same is true of the risk of similar significant problems occurring in the future. We have confidence that some of the most profound flaws in the management of issues relating to Oracle, equal pay and housing may have been mitigated had the Council's recently-established arrangements for programme and project management, and performance management, had been fully in place at the outset of those projects. But even so, problems with culture and attitude would still have placed their delivery at significant risk.
18. This is in part because the current structure and processes in place to manage stabilisation and improvement, and to facilitate good governance overall, are not sufficient. They do not take enough account of the challenges and complexity the council faces and, some of the poor behaviours, in respect of culture and practice, that surround aspects of decision making and oversight. Solutions will need to reflect how people, culture and processes interact. The Council, corporately, is beginning to understand this complexity and its ramifications, but has further to go. We have drafted a stabilisation plan which, we consider, reflects a realistic approach on what should be possible, and what is possible. This, and a wider blueprint for change, is informed by a "theory of action" on Council improvement.

### **The reality of today**

19. The Council has a range of overlapping cultures, some negative and some positive. We set out what we consider some of the most prominent to be in section 3 of this report. For the purposes of this overview we would set some of the key cultural challenges as being:

#### *Low levels of trust*

20. Trust, between members, between officers, and between members and officers, is low. The Council is beginning to understand the scale of the "organisational development" challenge that it faces, which may result in a sense of common purpose and direction. But there remains a deep-seated blame culture at the Council which limits frank, candid conversations about emerging risks, and which encourages an aversion to change. This blame culture is accentuated by poor behaviour across the board, and a lack of individual and collective commitment to basic principles of probity and good conduct.

#### *A difficulty in speaking up and about, and hearing, bad news*

21. Part of this is about the Council's history of information management. There is confusion and disagreement about who owns and "controls" data, and who controls what that data says. In a defensive culture, there is little incentive for officers to pass "bad news" up through the organisation, for members and more senior officers to consider and resolve. This has also hindered the Council's ability to meaningfully respond to external review, challenge and scrutiny. When bad news is escalated, its urgency is often diluted, and downplayed (by both members and officers), with the focus being to reassure the wider organisation (and external stakeholders) than to take clear actions to mitigate problems. The prevailing assumption is that risk can be minimised through increased activity – more reports, more meetings – rather than by the questioning of assumptions and bringing in a broader range of insights and perspectives into the decision-making process.

#### *Unproductive member focus on operational activity, which has developed into actively negative behavioural trends around member-officer relationships*

22. This tendency may be part of the reason why many members consider that they cannot trust officers to reliably report emerging concerns to them. But members also have a responsibility

to make their objectives clear and to specify the right ways that they expect to oversee and direct. As things stand, members' tendency to focus on operational detail means that they are absent from the strategic spaces that they ought to be occupying. It also creates an oppressive environment for many senior officers, who find that their freedom to carry out their operational duties is circumscribed by heavy member direction and oversight.

23. The situation connects with the practice of both officers and some members, past and present, circumventing the correct and proper approach to decision-making and governance by discussing and agreeing highly operational actions, out of the view of senior officers and in a way that acts in direct defiance of the constitution. While this practice is not widespread, it is a substantial presence, resulting in a confused decision-making atmosphere, and an environment in which basic standards (and conventions around roles and responsibilities) are significantly undermined. This is compounded by unorthodox formal systems for member and officer delegation in the constitution. It is further exacerbated by the poor relationship between the Council and trades unions, which we discuss in more detail below.

*Unwritten rules trumping corporate processes.*

24. For members, attempting to oversee large areas of council operation will be a frustrating experience. The Council has heavy processes, systems and policies around the management of performance, finance and risk – and for project and programme management. Governance systems around major projects are exceptionally vigorous and appear to contain many fail safes. However, these systems are inconsistent and are only as reliable as the data provided and the people who operate them. This has meant that some historic change and transformation activity has been unable to make a difference to underlying cultures and behaviours. Furthermore, that change activity has not engaged with the significant problems that exist on member behaviours, and member-officer relationships.
25. These problems have had serious consequences in the realm of financial governance, despite attempts to reassert grip on spending controls and to rebuild the control environment.
26. This reality – and the presence of the cultures set out in this section and in more detail in section 4.1 below – is what gives us doubt that the Council will, without further significant change, be in a position to meaningfully recover its position on Oracle, equal pay and housing repair. Quite apart from anything else, the scale of the Council's current financial challenge means that it has very limited capacity; dealing with one problem of this magnitude would be a challenge. The urgency and scale of all three present real difficulties.

## **Solutions**

27. It is telling that some of the challenges we have identified were also identified by the Kerslake Review nearly a decade ago – challenges which a wide spectrum of actions undertaken over several years were meant to have eliminated.
28. The solutions that the Council adopts will need to be ones that are framed around changes to culture and behaviours. This is because effective behaviours are key to good governance, and improvements to governance will not be possible unless and until those behaviours are addressed. For this reason our recommendations for change will be informed by the seven characteristics of good governance which form part of the CfGS/Localis "Governance risk and resilience framework".
29. Solutions will need to reflect Birmingham's distinctive context – as England's largest local authority, with delivery responsibilities, and service complexity, which is an order of

magnitude greater than most other councils. This report sets out what some of those changes should be.

30. We think that changes, when agreed and put in place, will be able to lead to a situation where a pathway to sustained improvement on Oracle, equal pay and housing repair can be found. This will not be about dramatically changing the structures and systems involvement in those plans for improvement, but changing the attitude, mindset and mentality of people across the Council in coming together to tackle what are cross-Council problems. This “whole council” approach is currently beyond the Council’s capabilities, but it is within the Council’s grasp, if the approach it takes towards the improvement needed is sufficiently meaningful.
31. The chapter below breaks some of our high-level findings down into more detail, ordered by each of the four themes we were asked to investigate.

## 4. Findings

This chapter is divided into four parts, each reflecting one of the four themes which we were asked to investigate. Our subheadings are derived from the specific questions that we were asked to answer in our agreement with the Council.

### 4.1 Leading effective governance

This part of our work looked at:

- Clarity of vision and priorities
- Understanding of roles and responsibilities
- Culture and understanding

#### 4.1.1 Clarity of vision and priorities.

1. The Council (both members and officers) have a strong sense of the authority's vision and priorities. The Council has a Corporate Plan and the usual systems for delivering that plan, against which performance indicators and delivery milestones (which form part of a Corporate Performance Report) are regularly reported to Cabinet, and other bodies such as scrutiny. The Corporate Plan is "mission-led" – it sets out six "grand challenges" that the Council is seeking to address and frames the response to those in the form of five strategic outcomes.
2. It is a clear vision, and an ambitious one. Our interview evidence has highlighted that Birmingham suffers from an optimism bias in how it goes about its business. It sets itself tough tasks – often based on a clear-eyed assessment of local need – but sometimes lacks the member and officer leadership, and organisational capacity and capability, to deliver those tasks. As a council, Birmingham finds it difficult to prioritise – in part because there is no clear sense of collective purpose within the organisation. Prioritisation involves making tough choices about what the Council can, and cannot, do. This is a strategic activity that should be, but is not currently, led by members.
3. In a council with a strong grip on prioritisation and focus, a mission-led model for identifying key priorities can provide a foundation for transformative change. Where this focus does not exist, the breadth and long-term nature of missions can make it easy to conceive of everything as a priority.
4. The Council is often unable or unwilling to make hard choices. Members are unwilling to make the strategic decisions that would provide clarity on priorities – officers are focused on day-to-day delivery of a range of complex services, and often lack the headspace and time for reflection that would allow them to make an active contribution to these high-level issues.
5. There is a strong sense, shared by many of our interviewees, that the organisation's focus, direction and vision had improved recently. In the past two years, the Council has undertaken work to enhance the capability of its corporate core. But, as we will go on to set out, without wider "whole council" action on change it will be difficult to effect transformation, and a rigorous approach to prioritisation, from the centre.
6. The Council's primary focus, as it stabilises its work, will need to be on ensuring safe, legally compliant and fairly delivered services to local people. This will need to be informed by the missions in the current Corporate Plan.

#### 4.1.2 Understanding of roles and responsibilities

1. A confusion in mutual roles and responsibilities between members and officers has led to an environment where responsibility and accountability have become diffuse. In this environment, individual and collective responsibility – the sense that key people hold specific duties within a governance framework that consistently assigns ownership and responsibility to the right people at the right time – are weakened.
2. This presents itself through:
  - **A lack of effective member leadership on high profile, business-critical issues.** In some cases, decisions are made, but are not stuck to by the Council as there may not be the right kind of member, or officer, buy-in at the right level. This has, historically, led to a degree of drift in some projects and priorities. For example, efforts to modernise and improve the Council’s finance functions and processes lost momentum after the Council secured its 3\* CIPFA finance rating; additionally, the embedding of culture change through the Council 2018-2022 Workforce Strategy was not followed through effectively. Now, the Council has in place more rigorous programme and project management functions within the corporate core, which have brought accountability and oversight to the highest profile work. In a more general sense, Cabinet meetings involve heavy agendas and many decisions, resulting in very little time being taken by members in interrogating the matters they need to interrogate. Meaningful strategic discussions have been largely absent – although we recognise that these do sometimes happen in more informal spaces. Importantly, where strategic conversations do happen, they seem to happen in a way that is disconnected from operational reality;
  - **A lack of effective member oversight on these issues.** In a strong and effective governance framework, we would expect to see the Audit Committee, the Standards Committee and overview and scrutiny committees collectively contributing to a culture of robust oversight – of member-led activity, and of officer-directed delivery to local people. We would expect strong Cabinet grip on these matters as well. While there is some evidence of forensic work being carried out by some members – and by probing questions being asked in some spaces – difficulties in the access and use of information by these bodies, and the scattergun nature of their work, minimises the impact of this important oversight, regulatory and scrutiny activity. Scrutiny committees, in particular, are not focused and co-ordinated in how they develop their work programmes – although there is evidence of good work, too much activity is poorly aligned with the organisation and the wider community’s needs;
  - **Poor quality member-officer relationships.** We were told by a large number of interviewees that “top table” relationships were poor. In some areas, and in respect of certain key statutory matters, member-officer relationships have functionally broken down, although action is being taken to arrest this trend. The situation has been exacerbated by the Council’s recent financial challenges, but there has for some time been a sense of mistrust between officers and members, even at the highest levels. We discuss this in more detail in the next section;
  - **Poor information flows.** Because the questions of “who has oversight”, “who leads” and “who decides” have opaque and inconsistent answers, it means that the clear management of information to support decision-making and oversight roles is not always present. Improvements have been recently made through the expansion in capability of the SEP Directorate (including the work of the Programmes, Performance and Improvement (PPI) Division), whose capacity has been augmented to exert grip on major

projects, and to put in place a more consistent and holistic performance framework. However, the Council's cultural challenges mean that:

- information gathered through these new mechanisms is not always reliable, or is of low quality, or are not the most pertinent metrics or measures
  - information gathered may tell only a partial story, which may be subject to an optimism bias on the part of reporting officers (see below);
  - where information is made available that presents a narrative that could be seen as negative, there is a risk that service departments or others with lead responsibility can explain this away. Where this could be challenged (for example, by members) often the skills and capabilities have not been in place that would allow the evidence-based challenge of these narratives.
- **Access to information by members is inconsistent.** Often, members do not receive the information they need in the right way at the right time. This is partly due to members not clearly articulating their needs and expectations and being proactive about those needs. It is also partly due to an unreasonable member appetite for large amounts of information on operational detail – and the use of that information as a way to attribute blame for perceived failure. This has led to a defensive attitude within the organisation about the way in which members are provided with information, and a tendency on the part of officers to want to control that information flow.

### 4.1.3 Culture and understanding

#### Cultures present in the organisation

1. There are multiple cultures in place at the Council. Many people, for example, told us about the presence and perception of a “blame culture” – something which the Kerslake Review identified in 2014 and which still persists. Some of the more negative cultures and behaviours are:
  - **A blame culture.** Where problems, or failures, occur, the fault for these failures are placed on single individuals. Where this coincides with these individuals leaving the organisation, it provides the Council with an opportunity to claim that, with the departure of those individuals, the problem has been resolved. More worryingly, the acknowledged presence of a blame culture can often lead to poor behaviour or conduct not being called out, because people do not want to be seen as part of the blame culture. This situation is exacerbated by the tendency to focus unduly on the individual accountabilities of key individuals, which we discuss below;
  - **Focus on the individual accountabilities of key people.** Key people – especially at corporate level – are seen as having unique individual responsibility and grip on matters of critical organisational importance. Exclusive personal ownership of projects and programmes is common. This attitude is seen as an important element of accountability, but it serves to load responsibility onto individuals when it should be recognised that a wide range of people hold collective and interdependent responsibilities – particularly for cross-cutting issues. This attitude also influences the role of Cabinet members. Cabinet members hold leadership on issues within their portfolio, but are generally less aware than they ought to be of the matters on which their colleagues lead, making the identification of cross-cutting issues more difficult. Overall this leads to a fragmented environment for political accountability. A focus on the capabilities and roles of a few individuals – particularly at senior member and officer level – removes agency and responsibility from officers working in service departments. It also creates problems for business continuity (and ownership of major projects over time), because when important individuals leave the organisation or change roles, progress can falter through lack of



leadership. Overall, this attitude has given rise to the impression that – if and when things go wrong – it should be down to the individual “in charge” to resolve those issues – working against the need for people in large organisations to collaborate. Finally, it serves to give the impression within the organisation that certain tasks and projects are simpler than they are (which connects to the Council’s optimism bias, discussed below);

- **A corporate core disengaged from services.** Birmingham is an unusually large council; its corporate core is proportionately smaller than that at other councils, despite recent investment. There has been improvement in the past two years, with the creation of a more dynamic corporate centre, particularly in respect of functions such as corporate strategy, performance, programme and project management. But the work of these services is significantly hindered by the disconnect between these corporate functions and the Council’s service departments. Service departments – and many Assistant Directors (ADs) – do not feel a sense of “whole council” responsibility – so long as their services are, in their view, being delivered well. There is little sense of mutual support – and challenge – to improve. We consider that the key strategic functions within this core will in some instances need to be retooled as “changemaking” functions, supporting and challenging the rest of the organisation to improve, and for this to happen will require a widespread shift in attitude that will be challenging to deliver;
- **Silo working.** The Council does not operate as an “organisation” in the sense of being a group of people with a shared purpose. Instead, it is a selection of individuals, and groups of individuals, with overlapping priorities and objectives. In recent months, the capacity and capability of CLT to recognise and grip these issues has increased, but the scale of the task is significant. It has been identified (by Kerslake and other external reports, as well as by the Council itself) that the authority operates as a collection of silos. It has been a central theme for a lot of recent change activity, including successive iterations of the Workforce Strategy.
- **Optimism bias.** We have noted that the Council – particularly when planning major pieces of work, and major projects – will undertake detailed planning and research in support of its plans for change. This often results in plans which are over-optimistic. The Council does not take account of external factors or the risk of unexpected issues in how it works, and consistently overestimates the capacity and capability of its staff to effect change. This means that swift improvement in services can be possible – and has been delivered in certain places – but that improvement often proves difficult to sustain in the face of other pressures. This attitude has proven particularly corrosive with regard to long-term, systemic pressures facing the Council, such as equal pay and Oracle;
- **The tendency to wish to control and minimise bad news.** This links with the Council’s optimism bias. As and when things go wrong, the prevailing attitude held by officers – and by members in leadership positions - is to reassure and minimise the presence of problems. This was a particularly visible feature of the Oracle implementation. Often, this is because people in positions of responsibility think, in good faith, that the situation can be recovered. When failure becomes impossible to ignore, the organisation quickly sets out a plan for improvement and recovery, designed to provide the organisation (and members in particular) with reassurance that the matter is being managed and controlled. However, this immediate move to demonstrate proactivity can prevent the Council considering the lessons it needs to learn from the experience. This attitude has contributed to members’ general mistrust of officers, and the information that officers bring them. It has been a feature in recent member interactions on Oracle, equal pay and housing, where members consider that previous officer advice has minimised the existence of problems;

- **Dismissive culture and behaviour around performance and finance.** All of the above issues influence and inform how the Council uses information on performance, finance and risk to inform its work. Corporately, there is a maturing understanding of the need for reliable and high quality management information – systems are in place to provide oversight over major issues. We think it likely that if those current arrangements had been in place historically, serious concerns around Oracle, and housing repairs, in particular would have been identified and arrested sooner. However, culture and behaviour in respect of performance, finance and risk still do not exist in a way that is supportive of those new processes. There should be greater consistency around the way that concerns on these matters from councillors and officers at all levels in the organisation are gathered, understood and escalated. Members have contributed to a degradation of the environment on these issues through a disjointed approach to their oversight on highly operational issues, which takes the organisation’s focus away from a more systematic, evidence-based view of performance across all the Council’s services. The poor quality of member audit has also contributed to an environment where there has been little meaningful member ownership of the Council’s financial challenges;
- **Lack of ownership and leadership on risk.** Members (including members of Cabinet and members sitting on the Audit Committee) do not understand, own, manage or oversee risk effectively. Some individual members are aware of the need for risk to be more central to their approach, but across the member cohort more generally this understanding is absent. While the authority’s corporate systems and approaches for assessing risk, and escalating concerns, have been poor, there has also been an lack of curiosity on the part of members on risk issues, and a lack of proactivity in articulating basic expectations of what members’ strategic roles should be in respect of risk management. In our view this connects to members’ overall tendency to focus on operational matters, without understanding the cross-cutting links between those matters that may reveal the presence of systemic risks. By acting in this way, the importance of risk as a strategic framework within which the authority can properly understand its pressures and constraints has become minimised;
- **A disregard for probity and ethics around the relationships needed for good governance.** This attitude is not nearly as prevalent as the others we have mentioned but is much more challenging. We have heard about significant member overreach into matters of operational detail – sometimes formally, and sometimes informally. In particular, we have heard credible evidence from multiple sources of individual members from across the Council seeking to directly instruct junior officers on the delivery and management of operational services, without the knowledge of more senior managers and in defiance of agreed priorities, in a way that significantly undermines the governance framework. We have heard that because of their personal connection to key councillors, some officers are considered “untouchable”, able to work and operate as they please – something which has caused huge problems for officer-officer relations. We have also heard that the relationship between the Council and its recognised trades unions is particularly poor – both because of challenges over equal pay but also a fundamental difference in assumption and attitude around the proper role that trades unions should have in the life and work of the authority, leading to substantially different practices around governance and decision-making in different parts of the council. We consider these comments credible because they came from a very large number of interviewees, spontaneously and without prompting.

2. There are examples of the presence of more positive cultures within the authority.

- **Self-awareness.** Most of those to whom we spoke had a clear sense of the Council's weaknesses. Individually, people could articulate those weaknesses and failures – and felt a sense of personal responsibility for them. The past few months seem to have been transformative for many individual attitudes – although we are in no doubt about the scale of the cultural and behavioural task ahead;
- **The beginnings of more meaningful cultures of collaboration.** Although much of the evidence that we have gathered has described an organisation that is atomised, in terms of attitude and behaviour, there are signs of internally-led cross-cutting working to achieve change. The members of CLT works better together, thanks in part to external support. Corporate systems are becoming stronger – although significant work is needed for them to more meaningfully inform work across the Council;
- **A will to improve.** The reality of intervention has catalysed a will to improve. In some councils at this stage on the intervention and improvement journey, a sense of fatalism can become dominant – and both members and officers can feel overwhelmed with the scale and nature of the needed change. At Birmingham there is a clearer sense of the need to improve, and a sense of hope about improvement. That hope must however be tempered with realism about the scale of the task ahead, and in particular the scale of the Council's cultural challenges – given the Council's optimism bias;
- **A commitment to local people.** There is a profound commitment on the part of both members and officers to local people. Part of the problem that the Council has experienced is that the Council has been trying to do a great deal to support local residents – its ambition has (as we note above) been palpable and the issue has been that it has lacked the capacity and capability to deliver on this ambition.

#### How these cultures have informed the relationship between the Council and trades unions

3. A significant barrier to good governance is the poor relationship between the Council and trades unions. The Council, corporately, is unable to manage these relationships. In part this is because at an operational level Council-TU links appear to operate as a variety of personal connections, rather than as formal Council-union dialogue. TUs' relationship with councillors, in particular, present a significant barrier in the Council's ability to take clear and consistent management action.
4. It is right that unions play a robust role in advocating for their members' interests and supporting them to exercise and articulate their rights as employees. However, it is not reasonable for trades unions to expect that they will play an active part in ordinary management processes, such as granular work on the development of job descriptions, and job evaluation. Previous attempts at service restructures have been derailed both because the Council and Unions relationships are so poor and because there has been an expectation from some quarters that TUs should be consulted formally on even the smallest changes, leading to inertia where important business change activity has needed to be carried out.
5. The relationship between the Council and trades unions is highly variable at both a corporate and service level. In recent years, structures for TU-Council dialogue have been put in place which are atypical for a local authority, and which impinge significantly on effective operational, managerial decision-making. Arrangements at both corporate and directorate level have seen an unusual breadth of TU involvement in a range of management decision-making.
6. More recently, the Council has sought to limit the operation of these structures and arrangements. The Council has recognised that TUs – although important representative bodies – are not a substitute for the need for management-led engagement with staff, particularly given that not all staff are union members. The Council has established separate

arrangements for staff engagement (with a particular view to engaging staff holding protected characteristics).

7. This is a rational and justifiable approach. It has however caused problems with the ongoing TU relationship. TUs see themselves as having been disenfranchised by a restriction in communication and engagement, which they see as limiting their rights to represent their members effectively.
8. In part, this is because the Council has been unwilling to formally articulate that it wants to redesign structures for TU consultation and engagement because it fears the response. This dynamic is closely connected to the erosion of the Council/TU relationship as a result of ongoing equal pay negotiations.
9. Many senior officers feel that trades union activists, or officials, subject them to sustained pressure, in some cases amounting to intimidation, on matters such as discipline, conduct and working practices, and that close relationships between unions and certain members are used to enforce this.
10. We have not seen evidence that this behaviour is led by or sanctioned by individuals in leadership positions in union branches, but we do consider these views to be credible given that some of this intimidation has happened at formal council meetings in a way that has been publicly visible, and also because these concerns were raised with us spontaneously by a broad range of officers.
11. We also note that there is a significant amount of fear on the part of officers in taking corporate or directorate action which could be seen as limiting the role and influence of TUs. This is, in part, driven from a legitimate worry that TUs will seek to use the connection they enjoy with some councillors to pressure officers to back down.
12. This situation is exacerbated by the fact that many individuals involved and active in TU campaigning, and as workplace representatives, have a long history of working at the Council. This gives them an operational advantage over managers, of which there has been a regular churn in recent years, with large numbers of interim staff leading to a disjointed approach the relationship. Lacking in confidence and in their own organisational memory, new and short-term staff in management roles find themselves at a substantial disadvantage in dealing with TUs with a significantly greater understanding of council processes and systems. This has caused frustration for TUs, who experience this churn in the form of a series of sometimes choppy and difficult relationships, providing little time to build a shared understanding of expectations before people move on.
13. Given the erosion of trust and climate of fear around Council/TU relationships, a formal reset of relationships is now the only way to meaningfully address the situation – a redesign of the structures present for consultation and engagement, and of other formal processes, informed by some of the broader work we mention in this report on culture and behaviour.
14. While this is pressing, we think it is unlikely to be something that the Council will be able to act on immediately – it is more likely that this fundamental reset can only happen in the context of the wider Improvement and Recovery Plan. A reset will have to be based on the principle that productive, transparent TU and Council collaboration on employment matters is critical, and that avenues of communication need to work properly and be well defined, without the operation of informal mechanisms for influence and direction that currently exist. A reset will also need to provide clarity and realism on where it is appropriate for the Council to consult TUs on its action, and where it is appropriate to engage and inform, and the difference between these three concepts.

### How these cultures have informed the Council's historic action on change and improvement

15. An important element of this review has been a consideration of how the Council has been able to act on external reviews – and to provide assurance to stakeholders on its improvement work.
16. We have in particular needed to understand these dynamics as they are likely to inform how the Council responds to our own findings and proposals for improvement. This is the reason why we have developed a “theory of action” – a description of how we think the Council currently takes action to change. This can be found in section xxx. The theory of action is built primarily on the cultural findings set out in this section.
17. The Council's action on change is often provoked by external pressure. In recent years, the Council has demonstrated a limited ability to recognise and act on risk and failure on its own terms. The recognition often arrives too late, and the Council finds itself in need of external assistance and direction in bringing about recovery.
18. When this happens, we consider that the Council has been good at embedding certain aspects of improvement – structural elements in particular – but has failed to take account of the cultural aspects that make that improvement stick. At times the Council really has improved – that improvement was not an illusion. However, the framework has not been in place to make that improvement permanent, and a redirection of corporate focus means that the prospect of sustained change, and the emerging good practice connected to it, slips away. We consider that this raises risks about the ability of the Council to take meaningful improvement action on Oracle, equal pay and housing repair.
19. This supports to us a view that the Council has engaged in improvement work in good faith, and has provided evidence to others in a way that fits with that behaviour. The Council has not corporately sought to mislead its internal and external stakeholders about the pace and nature of change. However, it has underestimated the sustained work that it needs to do in order for change to become fully embedded, and has interpreted temporary improvements as lasting change without considering the risks set out above.

### The Council's corporate values framework, and “best in class”

20. The Council does have a set of corporate values – but the cultural elements described above are deep-set, and work to eradicate them will need to be framed effectively to uproot them.
21. The approach that the Council has taken towards its aspiration to be “best in class” might provide part of the answer. The prevailing sense from interviewees was that the “best in class” aspiration was hubristic and reflects the Council's unrealistic ambition – an ambition that is now being tempered to focus efforts on ensuring that Council services are safe, compliant, effective and meet residents' needs. But in our view the value-led elements of “best in class” should – with amendment – remain. These involve the creation of new spaces for dialogue, communication and collaboration between council officers – cross-functional activity to increase awareness of other services, and corporate issues, across the Council. This offers a mechanism, already partially in place, for the Council to plan and deliver deeper and more meaningful cultural improvement.

### How things will need to change

22. The Council will need to begin work to reframe its values, and expected behaviours, in light of our findings.

23. We consider that a key mechanism to break down barriers and silos within the organisation will be the establishment of cross-functional teams formed of officers at different levels of management seniority and with different professional specialisms, to take forward early culture change activity. This is work that will feed into the Council's Improvement and Recovery Plan, and connects with our recommendation that the Council's "best in class" activity be retooled to focus on this stabilisation activity. It also connects with our comments on the EI&P Programme, on which we comment in section 4.4.
24. The Council has made attempts to establish such cross-functional and cross-directorate conversations before, most prominently as part of the 2018-22 Workforce Strategy. As with other ambitious measures on culture change, these efforts were not ones that the Council sustained, owing to a combination of the cultural issues we have explored earlier in the section.
25. Establishing these groups, and making them central both to the development of the Improvement Plan and the Council's ongoing service delivery, is in our view a crucial component of improvement within the officer cohort. We consider that, if understood and treated with the central importance that it deserves, and therefore sustained over time, the form of collaboration promoted through these groups will become a natural way of working.
26. This work will need to inform an understanding of behavioural standards held collectively by members and officers. We consider that work to develop a new Member-Officer Protocol can act as a starting point for a fundamental re-evaluation of members' and officers' roles, informed by a review of member attitudes being overseen by the Standards Committee. Both members and officers will need to make formal commitments to new ways of working.

## 4.2 Enabling and supporting good governance

This part of our work looked at:

- Robustness of processes and practice
- Support services and functions
- Levels of assurance and compliance

### 4.2.1 Robustness of processes and practice

1. Processes and functions at the Council are, generally, in place – but this demonstrates the mismatch between culture, "custom and practice", and the rules that the Council articulates to members and officers about how they should conduct their work. The level of dysfunction at the Council is evidenced by the gap between these processes and rules, and the extent to which they are – or are not – acted on.

#### Informal systems, including members' oversight and direction on operational matters

2. The overall accountability framework at the Council contains a mix of formal and informal systems. Informal systems sometimes complement, but often seek to subvert, the way that formal decision-making happens. We have been told that by multiple interviewees that back-channels exist by which members seek to influence operational decision-making – close relationships between members and junior staff result in members purporting to "direct" those staff in how they make operational decisions. We have been told that there is no understanding amongst those members as to the inappropriateness of these discussions and directions. This is surprising, because it seems fundamental that members should understand the basic principles that govern how they, and officers, should work together. The power dynamics involved in these "directions" places the obligation at the door of

members to change their behaviours. Such activities mean that formal governance systems are significantly weakened, as the exercise of proper, accountable systems for effective decision-making – especially those relating to delegation – are undermined.

3. In making these comments we recognise that it will often be legitimate for members to have an interest in the operational delivery of services. Birmingham's councillors represent a very large number of local people. Members are held to account by local people on operational matters, and on those matters it is correct that there be lines of communication to officers, to ensure that operational issues impacting on residents can be resolved, and that more systemic matters can be properly escalated. Dealing with ward issues, and constituents' concerns in respect of those matters, is fundamental to being a member.
4. The issue, then, is for these questions, concerns and issues to be managed effectively, rather than reliant for their resolution on two-way conversations on which others are not sighted. While there is currently a member enquiries system, it is not consistently used by members. It is likely that a more consistent, transparent and reliable system for member enquiries – a system that members can trust because they have had a part in designing it – will reduce the burden on members from community complaints and concerns, ensuring that those issues are passed to the right officer in the right way following a mechanism that benefits from proper management oversight. Such a system would also give other members confidence that officers are dealing well with members' concerns overall.

#### Control arrangements generally

5. Key processes are provided for in the Constitution, which follows the standard "model" constitution put in place by councils in 2000, with the necessary amendments and updates. The scheme of delegation in the Constitution is, again, fairly standard; the member code of conduct is the latest version of the LGA Model Code.
6. As is common with traditional Constitutions, readability and navigability of the document is difficult, and there are parts that have the potential to cause confusion. Drafted well, a constitution can provide a framework for consistent, well-understood relationships between key actors in the governance framework. Drafted badly, it will frustrate attempts to provide clarity and introduce uncertainty and duplication.
7. For this reason, although one of the main challenges with the Constitution is the extent to which it is meaningfully acted on – and the extent to which it is ignored, or sidestepped, when inconvenient – the document itself does need to be reviewed, and revised, to ensure that it can provide this framework.
8. As things stand – absent the Council's ongoing spend controls – we do not think that the Council can assure itself that expenditure is being made that conforms with the scheme of delegation of decision-making principles in the Constitution. In our view the practice noted in 4.1, of some operational choices, and decision-making, being "directed" by councillors, beyond the view of senior officers, means that it is possible that in the recent past some operational decisions have been made that have sat outside the budget and policy framework and/or which do not conform with the Best Value duty. This is an extremely serious matter, for which councillors hold responsibility, and on which the Council currently has no assurance. The control environment is such that, whatever the processes and systems in place may say, the Council cannot reliably assure itself that expenditure is being incurred appropriately. Section 114 spend controls will have brought a temporary halt to this weakness – but permanent remediation will need to be put in place.

#### **4.2.2 Support services and functions**

1. The Council's support and enabling functions form part of its corporate core, a part of the Council in which significant investment has been made in the very recent past. The stabilisation and improvement of the authority depends on this ongoing work to enhance the capability of the corporate centre to continue – allied with these functions of the Council being retooled to more explicitly act as “changemakers”, supporting and challenging the rest of the organisation to improve. Some of the specific support functions are described in more detail in the section below.
2. Building upon a foundation of limited capabilities, the Council has implemented new procedures for project and programme management, the utilisation of data and insights to bolster policymaking, performance management enhancements, and increased oversight and assurance in key governance functions.
3. The continued strengthening and integration of these systems are vital components of the authority's journey towards stabilisation and improvement. However, without a corresponding shift in the organisational culture, there is a potential risk of perpetuating negative, undesirable behaviours. We consider that attitudinal factors raise the risk of an “us and them” mentality arising in respect of the corporate core's relationship with the wider authority, which could be exacerbated where – as we recommend – the corporate core's role is more specifically recognised as a changemaking function.
4. The Council will need to take action to put in place new risk and information management arrangements, with an initial focus on member accountability. A more sophisticated understanding is needed of where gaps in information exist, and of the individual responsibilities of specific officers, and members, with regard to risks.

#### **4.2.3 Levels of assurance and compliance**

1. Assurance and compliance should be provided for through several mechanisms:
  - The work and role of the Monitoring Officer (MO). It is vital that the MO has the credibility and respect within the organisation needed to carry out their role. Birmingham's current MO is the eighth in ten years – reflecting a wider senior officer churn over that period, but still troubling from the perspective of the need for organisational memory on key legal and compliance issues. Across legal services, there is little capacity, which presents a significant risk factor for organisational stability and improvement, particularly in the face of the Council's substantial and complex work around equal pay. Statutory recommendations made by the Council's external auditor, and accepted by Council on 12 October 2023, proposed that the Council should commission an independent review of the process for receiving and considering legal advice. In our view this is a pressing requirement, given the Council's cultural challenges and capacity difficulties within legal services;
  - The work of the section 151 officer. The Council has a comparatively new, and interim, s151 who has been working to put in place more robust systems and arrangements for assurance since her arrival. This work has been hindered by the need to lead on remediation work for Oracle. There is still the sense that the “finance function” of the Council is a support service rather than as a strategic enabler, and notwithstanding the presence of spend controls, on the officer side, there is no sense of wider collective ownership of the Council's financial position beyond the s151 and CLT;
  - The work of the principal statutory officers together as a “golden triangle”. The position here demonstrates more strength than it has done in the recent past, but in the absence of a strong governance framework to back up the role of the golden triangle (the phrase used to denote the Head of Paid Service, Monitoring Officer and Chief Finance Officer of



a council), and visibility and respect for the formal roles of these individuals, their impact will be lessened. While necessary, we consider that the issuing of the s114 notices, and the s5 report, will have added to uncertainty at the Council about the role of the golden triangle, and their duties in respect of the authority's effective operation, which will probably need to be clarified (especially with members);

- The work of CLT. CLT is now working significantly more effectively, but suffers from the wider cultural challenges of the authority, in that its work to co-ordinate and manage delivery across the board does not reach down into the organisation as much as it should. It is still too easy for officers, including officers at AD level, to pay little heed or attention to CLT's work or priorities, even though those officers should have a sense of ownership through membership of ECLT (extended CLT). CLT is carrying out specific work on performance and assurance whose impact is, for the moment, limited. We consider this work, and the wider performance framework within itself, represents a strong foundation, but at the moment that the quality of the information within the framework, and organisational participation with it, means that it cannot function as it should. Overall, CLT's approach provides a model for different forms of behaviours amongst managers more generally, including a collective responsibility for probity and assurance;
- The work of CLT and Cabinet together. Cabinet should provide an important mechanism for the exertion of political accountability but the relationship between it and CLT appears poor, with no immediate prospect of improvement. It was in fact suggested to us by a number of people that Cabinet/CLT relationships is deteriorating. There have historically been wider "EMT" meetings incorporating Cabinet members and CLT, but these meetings have not generally been seen as effective – multiple interviewees described them as a space in which members were briefed, and informed, on work underway, rather than as spaces for active discussion on work and priorities. Individual Cabinet members have bilateral meetings – including assurance meetings styled as "Star Chambers" (monthly performance management sessions which began in around 2018, and which continue). However, aligned with the evidence we have gathered that Cabinet Members do not, in the round, have regard to Council business that comes under their direct purview, there is a question mark over the effectiveness and visibility of these bilateral conversations (and the degree of mutual challenge that takes place in those spaces). The nomenclature of these bodies is unhelpful if the Council is seeking to build a collaborative (though mutually challenging) atmosphere in which member-officer relationships can thrive;
- The work of member functions such as Audit (and, to an extent, the scrutiny function). The role and capability of the Audit function (comprising the Audit Committee and the internal audit team) is something that we cover in more detail in section 3.

2. Overall, these overlapping and mutually complementary arrangements should be described, and critiqued, in the Annual Governance Statement. Following review we have found that AGSs, over a number of years, are of poor quality; they do not accurately reflect the complexity of the Council's actual governance arrangements or engage with the cultural components of those challenges. The AGS appears to have been drafted as a desktop exercise without having benefited from the insight of a wider range of people from across the Council, and from year to year the content of the AGS seems very similar.
- 3 This reflects interview evidence we have gathered, where a small number of interviewees expressed concern about the quality of the AGS.
4. Apart from in the formal signoff of the document, there is no meaningful Audit Committee involvement in the preparation of the AGS, and the contents of the AGS do not appear to

have influenced or informed either the work programme of the Audit Committee or the programme of activity undertaken by internal audit. Neither have the contents of the AGS informed, in any meaningful sense, the content of the Council's risk registers or the risk heatmap. This is a significant failure in the Audit Committee's oversight role.

#### Member scrutiny as a mechanism for assurance and improvement

5. The Council's scrutiny function has a vital contribution to play to the stabilisation and improvement of the authority. As it stands, while the scrutiny function delivers some good work it does not provide the kind of critical oversight and contribution to emerging, complex policy issues (or the delivery of services subject to particular risk around performance and finance) in the way that it ought to.
6. An eight-committee model for scrutiny places Birmingham towards the top end when compared to other large authorities; if this structure is to be maintained there likely needs to be more focus on co-ordinating mutual work programmes, and in co-ordinating work between scrutiny and the Audit Committee. As is common in other authorities, there is not necessary a clear member-officer understanding on the role, priorities and focus of the scrutiny function, and its contribution to the governance framework more generally.
7. We consider that the scrutiny work programme should be reframed to focus on the Council's stabilisation priorities. This will not involve the need to revisit the entirety of the current work programme – we recognise that there is critical ongoing work that must continue. But the Council will need to move to ensure that scrutiny is able to play a central role in assurance on improvement alongside the other mechanisms we discuss above. In particular, we think that scrutiny will be able to play a valued role in:
  - Oversight of delivery of "life and limb" services such as children's services and adult social care;
  - Analysis of critical performance issues emerging "by exception";
  - The consideration of equality and equity issues arising from the development of the Council's developing financial plans;
  - Wider plans for cultural and behaviour change, bringing challenge to the authority's aspirations and capabilities on this major area of priority.
8. A separate review is currently underway to modernise systems and practices in Scrutiny and Committee Services, which will help with these objectives.

### 4.3 Financial governance

This part of our work looked at:

- Capacity and skills
- Financial management and budget oversight
- Financial risk management

#### 4.3.1 Capacity and skills

1. The finance team still lacks the capacity and capability to act as an effective enabling and control function for the Council. The finance team should not be expected to perform this role alone. Officers in service departments should recognise their collective responsibility for action on finance, and there should be a mutually supportive atmosphere that recognises that prudent spending and the careful management and oversight of public funds is everyone's duty.

2. At the moment, this is not the case. It means that the finance team have, in recent years, been expected to perform an almost impossible task – shouldering the burden of responsibility for financial governance for the bulk of the organisation that does not take those responsibilities especially seriously. This is reflective of the cultural challenges across the authority that we highlighted in section 1.
3. The Council was subject to a review of its financial governance by CIPFA in 2021, when the Council received a 3 star rating. CIPFA concluded that financial governance had improved substantially since they reviewed the Council in 2019, when the Council was given a 1 star rating.
4. This judgement reflects Birmingham’s success – and failure – in “managing” external oversight in recent years, by being able to successfully undertake action that looks very like change and transformation without that activity having any meaningful impact on the way that the organisation functions. We consider that this activity has happened in good faith – officers and members consider that improvement is happening, and in some instances, improvement does begin. However, the organisation’s ability to sustain that change has been limited by some of the deep-set cultures and behaviours that we have mentioned, and by the Council’s failure to commit the resource and effort needed to sustain change in the long term. In particular, it reflects an environment in which member direction and oversight is absent from these spaces, and so progress drifts; it connects to members’ lack of ability to focus on strategic matters, of which this is one. In addition, systems that have been built around the Council’s control environment have obscured the Council’s extremely challenging financial situation for some years, despite external auditors having periodically flagged their concerns.
5. The 3 star rating was a major target for the Council, which invested a significant amount of time and resource in financial governance improvement and transformation over the course of 2020. Despite its significant corporate and strategic importance, this work seems to have been managed and led entirely by officers, in particular the then-s151 officer, without significant member direction and oversight. The focus on 3 star status did, in our view, distract the Council from a more holistic focus on a “whole council” approach and attitude to finance, and embedded the idea that responsibility for financial governance sits with a comparatively small function sitting in the corporate core. This will inevitably have influenced planning assumptions about corporate capacity, and about the skills mix necessary to providing financial support across the organisation.
6. From a capacity and capability perspective, evidence we have gathered leads to serious concerns about the internal audit function, as we set out in more detail below.

#### **4.3.2 Financial management and budget oversight**

1. As a whole, the organisation has little sense of its expenditure, or its overall financial position. Reports have frequently come to Cabinet (most notably in respect of Oracle) to authorise large amounts of additional spending without any sense of how it contributes to the organisation’s priorities or to the improvement of services. The volume of decision-making reports submitted to Cabinet and the lack of meaningful oversight either at Cabinet or Audit on financial issues combine to create an environment where the visibility of core elements of the budget, and its delivery, are not visible to members. This is not helped by the variable quality of reports prepared by officers to support decision-making. Reports on the council’s financial position, and financial monitoring information provided (particularly to Audit, in the form of monthly monitoring) is inconsistent in content.

2. This is particularly surprising, given the fact that in 2018 the authority was in a financial position widely acknowledged to be challenging, and from which it thought it had recovered. Since then officer reports have sought to reassure members of this strong recovery of the budget position and of a new rigour in financial management.
3. Weaknesses in budget oversight have become apparent given the Council's introduction of spending controls. At the time of writing (November 2023) the Council has a substantial task to develop an emergency budget to save, in year, a total of £87 million. To pass a credible budget with this level of savings will require a fundamental redesign and reprioritisation of certain key services, in a manner which the council has not been able to previously accomplish through numerous attempts to find savings. Challenges in accuracy of financial information cast doubt on the authority's ability to manage budgets with this degree of grip, even taking into account the spend controls currently in place.
4. External auditors submitted a set of statutory recommendations to the Council, which were considered at a meeting on 12 October. These statutory recommendations reflect external auditors' findings on a number of weaknesses associated with financial management. The Council will need to ensure that action on these recommendations integrate with wider plans on governance stabilisation and improvement.
5. An urgent task now exists for the Council in putting in place robust arrangements for the development of the 24/25 Budget, and the MTFs. In particular, member oversight of those plans is important. Steps have been taken to put in place a Budget Task Group, as part of the scrutiny function, but in our view further work needs to be done with all members.
6. In particular, arrangements for 24/25 will need to be designed in the context of the need for members to test the resilience and reliability of the Budget itself – and to identify and bring scrutiny to the most critical areas where savings are planned.

### **4.3.3 Financial risk management**

1. The Council is minimally aware of emerging risks – either on finance, or more generally. There is a risk management framework, and the corporate core is developing more capability to secure timely information about performance and risk. But those systems are not yet as reliable as they could be. Without a corporate mindset about where and how matters should be escalated, and the candour that should accompany that escalation, corporate “grip” feels like it will be difficult to achieve.
2. Much of this is about the rigour, or otherwise, of systems to escalate complex, cross-cutting risk – which is far less visible to the authority than risk to services operated by departments. The organisation lacks of capability to analyse and effectively “treat” / mitigate these cross-cutting risks because of its comparatively weak corporate core – hence equal pay and Oracle only, suddenly, appearing as very high/severe risks on the corporate risk “heat map” midway through 2023.
3. The Council will need to take steps to revise the risk management framework of the authority, and to raise the profile of risk issues amongst members.
4. Effective risk management begins with members. Along with Cabinet, which holds a role in leadership, the Audit Committee should be an important mechanism for the Council to use to manage its exposure to financial risk. However, the committee lacks the capability and capacity to carry out its work properly. Members do not understand how to challenge the content of reports; reports themselves are generally of poor quality, and are not drafted on the basis of an understanding of Audit's regulatory role. There have been some recent attempts to address some of these challenges, but more needs to be done.

5. The internal audit function is unable to support the Committee to carry out its regulatory role, and is also unable to carry out its own responsibilities effectively. The activities of internal audit, in providing assurance, seem disconnected from other Council functions, suggesting a lack of corporate leadership and direction on the function and its place in the governance framework overall. As it stands, audit planning (although purportedly based on risk) does not seem to engage with the wider performance, finance and risk escalation/exception framework being built by the Council, particularly around the oversight of major programmes.
6. The need for work to support the improvement of the Audit Committee is seen as urgent. Ongoing work by the Council's external auditor will inform this activity. However, we consider that the committee will need to offer immediate support to the Council's stabilisation. The imminent revision of the committee's terms of reference, with regard to CIPFA standards, is an important element of this but only a first step.
7. The committee will need to work to identify some of the principal strategic risks that the authority holds on finance and on governance, and to consider plans to mitigate those risks. It will also need to oversee the development of systems to identify new, emerging risks – and a new methodology for internal audits.

## 4.4 Improving governance and decision-making

This part of our work looked at:

- Customer focus
- Stakeholder engagement
- Learning from external review and challenge

### 4.4.1 Customer focus

1. The Council is able to deliver a wide range of services to a city that is demographically, culturally, socially and economically extremely diverse. This review has not investigated the quality of service delivery in depth, but has sought to understand the way that the Council engages and relates to customers by having regard to its actions on housing repair. We have also looked at the Council's approach to improvement around SEND services. While there has been serious and recognised failure in both of these services, making an assessment about where and how the risk of failure exists in other service areas of the Council sits beyond the purview of our work. Given the way that internal systems relating to performance operate, and our concerns about the cultures and behaviours that sit around those systems, it will be difficult for the Council to understand where the risk of failure might be present.
2. The Council is moving away from a position of regarding its citizens primarily, or partly, as "customers". Recently it has developed an Early Intervention and Prevention (EI&P) Programme, which has sought to radically shift the Council's operating model to one that is more focused on empowering local people. The EI&P Programme is extremely ambitious, pointing towards a wholesale shift in culture and approach at the authority towards one focused on prevention and proactive change – this, in turn, is focused on having a more acute sense of local people's needs, and ensure that the organisation is capable of understanding how those needs develop over time.
3. A new approach to what might be described conventionally as "customer services" is one element in this wider plan.

4. EI&P is still in the early stages of development and implementation. Its business case was only agreed by Cabinet in April 2023. While it has the potential to make transformative changes to the Council's approach to local people there remains the risk that the wider cultural challenges identified in our report will limit its impact, as they have limited the impact of other change programmes.
5. We consider that further work on EI&P – which may need to be reprofiled in line with the Council's current challenges – presents an opportunity to shift the Council's approach to local people, if aligned with wider culture change activity. It is likely that this realignment will need to occur during the period that the Improvement Plan is being developed, with the EI&P Programme subsequently dovetailing with that plan.
6. While – handled productively – this sets a positive direction for the future, it remains the case that existing performance programmes highlight historic deficiencies in decision-making in instances where the Council has had little to no understanding of local people's needs and concerns.
7. The Council's approach to housing repair is a useful case study for an approach to customers/citizens that has sought to elide emerging problems rather than to understand and address them. This is despite repeated reports being submitted to scrutiny committees, in particular, on customer complaints, housing repairs, and complaints on housing repairs specifically. Performance issues have a long history (failures on Decent Homes, identified in the Government's Regulatory Notice of 24 May 2023, will have been of long standing) but headline data provided to members focuses on volume and throughput of complaints and repairs rather than quality.
8. This is suggestive of an environment in which the main objective was to create data showing improvement, rather than addressing improvement needs themselves. The quality of this data (as presented to formal council committees, particularly during the period 2018 to 2022) should have sparked concern at senior levels and should certainly have provoked more, and more detailed, questioning by councillors.

#### **4.4.2 Stakeholder/partner engagement**

1. Partnership working at Birmingham is in a state of flux. Some partners see in the Council an institution that wants to partner on its own terms, and that does not necessarily live up to its promises. There is worry and concern about the Council's current political and financial position and the impact that is having on the wider city.
2. Some of those to whom we spoke felt that the Council has retreated from the partnership space, with the Combined Authority now more active as a "placemaker" and partnership convenor for the city. We do not think that this is the case, but the presence of the perception raises risk that the Council does not see strong, effective partnership working as part of its future, and as a key mechanism for it to stabilise and improve its services.
3. The Council is aware that it has work to do to rebuild its relationships and is currently actively engaged in activity to do this. A programme of work is being implemented to understand partners' needs, roles capacity and capability. Partnership engagement infrastructure is also being developed to strengthen the Council's approach.
4. However, these arrangements do seem quite officer-led. Although some members are active in the partnership space, they are not at strategic level. There is in any case a mismatch between the quality of relationships at strategic and operational level.

5. We consider that these activities will need to quickly evolve to incorporate member leadership on partnership, and to wider consideration of how active partnerships can contribute to service redesign. We consider that the role of partners will be pivotal to the Council's improvement, and expect that this work will therefore feed into the Improvement and Recovery Plan.

#### **4.4.3 Learning from external review and challenge**

1. The Council has experienced oversight and support from a wide range of external bodies over the course of more than a decade.
2. The way that the Council has, and continues to, respond to this external pressure and provocation to change is part of the reason for its failure. Since Kerslake, the Council has developed a strong capability in building formal systems to present itself as strong and well-governed, without those systems having any meaningful impact on the way that the authority has been run.
3. We have looked at a number of examples of external review in carrying out this work – interventions from the external auditor, from the Local Government and Social Care Ombudsman (LGSCO), from the Housing Ombudsman, from Kerslake, from Government, from the Birmingham Independent Improvement Panel and from others.
4. The evidence we have gathered suggests that the Council has been good at embedding certain aspects of improvement – structural elements in particular – but has failed to take account of the cultural aspects that make that improvement stick. At times the Council really has improved – that improvement was not an illusion. However, the framework has not been in place to make that improvement permanent, and a redirection of corporate focus means that the prospect of sustained change, and the emerging good practice connected to it, slips away.
5. This, in our view, accounts for the views and opinions of a range of external actors who have, at various points, satisfied themselves that Birmingham was making the changes that they expected. The Council was, but did not have the capacity and capability to sustain that work. This is, we consider, a unique set of circumstances which has not presented in this manner in other councils which have failed, and which presents a real challenge to current efforts to stabilise and improve the authority.
6. We consider that this presents risk factors for improvement in current high-profile issues such as Oracle, equal pay and housing.

## 5. Theory of action and blueprint for change

We and the Council are setting out a **stabilisation plan** for the Council that focuses on practical actions that can be undertaken between now and April 2024. We have chosen this timescale because:

1. The Council is obliged to produce a longer-term Improvement and Recovery Plan by April 2024. The Stabilisation Plan will help it to get there, without pre-empting the content of the Improvement Plan ;
2. The Council has three major structural/organisational challenges between now and April 2024 – the preparation for a major organisational redesign, the agreement of a balanced budget for 24/25, and the delivery of a balanced budget for 23/24. The immediacy of these connected challenges requires a practical response that will help the Council, now, to put in place the short-term governance improvements both to manage those challenges, and to lay the foundations for a longer-term and more considered response to the Council' broader strategic pressures;
3. Over the next six months there is inherent uncertainty, and instability, around the ongoing roles, responsibilities, functions and bandwidth of key individuals, which means that the Council's capacity and capability to take forward improvements has to be a key factor in the design of any plan. Given this uncertainty, a short horizon is justified.

The stabilisation plan has been developed by us and the Council together – reflecting the fact that the authority must have ownership of the process that follows.

To ensure there can be a transition between the stabilisation plan, and a longer-term plan for governance (which sits as part of the Improvement and Recovery Plan) we have created a blueprint for change. This blueprint informs our stabilisation, and also suggests the basis on which meaningful, long-term culture and behaviour change for good governance can be made.

### 5.1 Theory of action

The blueprint for wider change is built on our “theory of action” for the Council. This can be summarised as follows:

- **The Council is good at undertaking action that looks like change**, in order to demonstrate to itself and to external stakeholders that it is improving. It carried out this work in good faith, with the active intention to improve, **but often lacks the sustained capacity and capability to deliver improvement that is anything more than temporary**. This is because improvement and change action tends to focus on structures and process, rather than shifts in behaviour;
- **The Council has some corporate capacity, but it remains very limited**, and limits the authority's capability in delivering more cross-cutting, complex projects, particularly ones that are aimed at delivering sustained changes in behaviour. There is therefore a limited extent to which corporate activity can influence change at the Council;
- **There is low trust** throughout the organisation, **making collaborative working difficult**, particularly on corporate priorities that do not connect directly to a visible, tangible service delivered to local people. A low trust environment is ;



- Beyond the corporate centre, **there is little sense of a “whole council mindset”** at the authority, which means that actions agreed and taken forward centrally often end up not being effectively actioned, because they are treated as a low priority by the rest of the organisation. This is as much an issue of member leadership and prioritisation as it is about officer working practices;
- **Optimism bias** has been a persistent feature in how the Council undertakes corporate activities, which is understandable for motivating and setting a clear direction of travel. However, its dissonance with officers’ and members’ experiences means that it leads to assumptions that centrally-directed plans for change have a greater impact than they do, or than is possible;
- **Individuals at the Council are self-aware, but institutionally, the Council is not** – this leads to a lack of predictability in how action to change is managed and delivered.

## 5.2 Blueprint for change

To achieve the deep and long-term change required, the Council needs cultural, and behavioural shifts, and intentional actions that actively disrupt the current ways of working.

### 5.2.1 Prerequisites for cultural change

Cultural change:

- will need to be built on the creation, and revision, of existing structures, systems and processes – for example, formal roles and responsibilities for members and officers as set out in the Constitution and elsewhere, information access and sharing arrangements for members, the remit and terms of reference for key officer functions in the corporate core, and so on. While getting these structures and systems right is only part of the story, they are important in providing a clear and consistent framework within which better relationships and behaviours can be built. Our stabilisation plan is focused on building up these foundations;
- will need to be informed by an understanding that the Council needs to fundamentally reappraise itself – what it considers important (and what it understands of what is important to local people) – and how it values and uses the (limited) resources at its disposal, including things like the value of individual officers’ time through meetings, makework etc;
- will need to be centred on a set of consistent, universally-applied values, with clearly explained behaviours, which are practically understandable, and understood, in terms of people’s day to day work. These will need to be focused on the creation of approach which can deliver strong internal challenge to practices, behaviours and performance – peer-led activity that is supportive and constructive, and that breaks through the Council’s prevailing blame culture This set of values will need to derive from several sources:
  - What we have learned about the cultures already prevalent in the organisation, as we have set out in our main report;
  - Our articulation of those cultures, in the form of our “theory of action”;
  - The Council’s existing “best in class” values and behaviours, which, amended, can form the basis for this new model of working;

### 5.2.2 Dependencies for culture change

Culture change will sit alongside, and will be facilitated by:

- The Council’s forthcoming organisational redesign;
- The development of the 24/25 Budget. There are aspects of this process that we consider can act as a testbed for wider cultural change;

- The development, and implementation, of the Council's Improvement Plan. This, too, can provide a way of testing approaches to change;

### **5.2.3 Facilitating and resourcing culture change**

Initiatives – for which foundations are laid in our stabilisation plan, but on which further action will be needed in the development of the Improvement Plan – will need to take action to:

- Articulate what new / evolved values and behaviours for the Council will be, informed by action learning (delivered through cross-functional teams and communities of practice which, while set up for this purpose, we expect will become a permanent part of the governance ecosystem);
- Make arrangements to cascade understanding and action on those issues through work on member conduct, staff appraisals, the development of the Annual Governance Statement and, in particular, expectations around financial governance. On activity of corporate importance, this will involve making responsibility, and ownership clear across the Council – ie, that individuals in service departments have an equal responsibility for delivering against corporate priorities

We consider that in the short and medium term the best way to do this will be to create cross-functional teams and communities of practice between officers across the organisation to:

- carry out action learning activity, which will build, and take forward, the wider culture change activity which we talk about – to build and sustain a broader sense of ownership of this work;
- take forward cultural change activity in the short term, including assuming a degree of ownership and leadership for some of the activities set out in the stabilisation plan;
- review past practice – including the findings from our report – to take an active 'lesson learned' approach, reflecting on what worked and what hasn't worked, and drawing on recent performance and delivery challenges within services. This will help to further understand symptoms and causes of issues and any successes, and will identify models and approaches for improvement. This will add nuance to our overall findings and make them more real for service areas.
- Bring constructive internal challenge by creating an environment of listening and challenge which, because it is managed in a structured and predictable way, will help to break down blame culture.

The Council already has plans and arrangements in place – though not universal, and comparatively new in nature – for cross-functional teams and communities of practice on key areas of work. While similar mechanisms have not worked in the past, we consider that their use alongside a wider programme of cultural change – and founded on a strong foundation of structural renewal – offers the best prospect possible for meaningful and sustained improvement.

### **5.2.4 Extending and embedding culture change**

We consider that wider organisational development plans – currently planned – will help to facilitate the embedding of these changes. The contribution of internal and external communications functions will also be crucial. This is not just about broadcasting messages about new expectations from the corporate centre, but facilitating a more meaningful dialogue focused on learning from experience.

- Internal communication will be critical, in order to:
  - Explain the overall process of change;

- Highlight and explain the expectations of change for all staff and members – through clearly articulated values and behaviours which are consistently applied at all levels of the organisation, and which apply equally to officers and members;
- Support dialogue, in particular action learning conversations;
- External communication with partners will also be critical – particularly with the Council's partners, who have an important role to play in support the Council's improvement, where the Council is able to bring both humility and strategic intent to these relationships;
- External communication and dialogue with the public will be an important part of a blueprint for improvement. Although these conversations can only meaningfully start once the council has done more to stabilise itself

### **5.2.5 Limiting tolerance for deviation from new norms**

The blueprint for change will also need to be typified by an internal, institutional intolerance for actions that are misaligned from these objectives. There needs to be an understanding that this will be difficult, that there will be disagreements, and that this approach will make the organisation a poor cultural fit for staff who have become used to different ways of working. This drive will need to be leavened with positive dialogue about the benefits of new behaviours, otherwise poor behaviours will persist, but will be hidden from corporate view.



# Governance Stabilisation Plan

Birmingham City Council  
and Centre for  
Governance and  
Scrutiny

November 2023



# Governance Stabilisation Plan

This Stabilisation Plan sets out recommendations and immediate actions which will be taken to support the short-term stabilisation of governance at the Council. These address governance and cultural issues identified by the Centre for Governance and Scrutiny’s (CfGS) review of governance in the Council and have been jointly developed by the CfGS and the Council. These actions will be implemented immediately while actions for longer-term improvement are developed further and incorporated into and monitored through the overall Improvement and Recovery plan. A scrutiny task and finish working group will commence in January 2024 to monitor the implementation of the Stabilisation Plan and assess how the Council uses the CfGS’ report to develop the Improvement and Recovery Plan.

The implementation of this Stabilisation Plan will be supported by officers from across the Council. This is the only way to deliver a “whole council” mindset on improvement. Much of the work set out in this plan will engage with the Council’s Governance and Assurance Programme, which has already been partially deployed.

| CfGS Recommendation  | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)   | Accountable Officer  |
|--|--|--|--|
| <p><b>1. Refocus corporate attention and priorities on ensuring safe, legally compliant, and fairly delivered services to local people</b></p> | <p>Review of the Corporate Plan in context of the financial position and improvement and recovery plan (IRP) priorities.</p> <p>Review/refresh key performance reporting to better reflect compliance and vital service delivery, in tandem with broader governance work streams.</p> <p>Practical steps taken to introduce the wider organisation (members and officers) to prioritisation and effective performance management.</p> <p>Scoping further activity for the Improvement and Recovery Plan.</p> | <p>A draft new corporate plan with clear links to the IRP.</p> <p>Performance information (and other management information) used by CLT and Cabinet to set strategic direction and respond to issues.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p> | <p>Director of Strategy, Equality and Partnerships</p> <p>Assistant Director, Programmes, Performance, and Improvement</p> |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)  | Accountable Officer   |
|---|--|---|---|
| <p><b>2. Begin work to reframe values and expected behaviours</b></p> | <p>Give consideration to adapting the “best in class” framework so it forms the basis of a service reviews undertaken as part of the Improvement and Recovery Plan, ensuring a focus on culture and values and the essentials of good service delivery.</p> <p>Improvement &amp; Recovery Plan to include workstream on cultural change activity which is informed by CfGS blueprint for change.</p> <p>Appraisal arrangements will be aligned with the Council’s corporate priorities and embedded at all levels of the organisation.</p> <p>New values and behaviours framework developed aligned to organisational redesign activity.</p> | <p>'Culture and values' embedded into approach agreed for service reviews.</p> <p>New appraisal, values &amp; behaviours framework rolled out across the organisation.</p> <p>Improvement &amp; Recovery Plan will be in place, with focus on culture &amp; behaviours.</p> | <p>Director of Strategy, Equality and Partnerships</p> <p>Assistant Director, Programmes, Performance, and Improvement</p> <p>Director of People Services</p> |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity   | Key Deliverables within 6 months (June 2024)   | Accountable Officer  |
|---|---|--|--|
| <p><b>3. Develop and publicise a set of baseline behavioural standards for members and officers</b></p> | <p>Development of a new Member-Officer Protocol (further to constitution review)</p> <p>Develop / define model behaviours that that will help support the delivery of the new Officer/ Member protocol.</p> <p>Standards Committee to consider a review of member attitudes relating to member/member and member/officer interactions.</p> <p>New guidance to members on the Code of Conduct</p> <p>Ensure the regular Group Leaders' meetings with the Chief Executive, Section 151 Officer and Monitoring Officer focus on Forward Plan matters, critical business issues and wider stabilisation and improvement matters.</p> <p>Scope and develop a programme of action on member-officer relationships as part of the Improvement and Recovery Plan development.</p> | <p>New Protocol is understood and is guiding Members and Officers resulting in greater confidence in one another.</p> <p>Member Attitudes/ Interactions Review has commenced.</p> <p>Members have signed up to the Code of Conduct.</p> <p>Improvement &amp; Recovery Plan has a workstream focussed on member-officer roles and relationships</p>             | <p>Interim Monitoring Officer</p>                            |
| <p><b>4. Review the Constitution</b></p>  | <p>Undertake an immediate legal compliance check to identify sections of the constitution and elements that require urgent amendment and updating.</p> <p>Include review of the constitution as a workstream of the Improvement and Recovery Plan development. This should be informed by the “blueprint for change” set out in the CfGS report. There should be a particular focus on the following areas:</p>   | <p>Up to date constitution has been established.</p> <p>The compliance check has been concluded on the high priority areas identified in the CfGS review, monitored through the Improvement and Recovery Plan (IRP)</p> <p>Audit Committee is working to new terms of reference and is being supported to continually strengthen its' function and impact.</p> | <p>Interim Monitoring Officer</p> <p>Section 151 Officer</p> |



| CfGS Recommendation   | BCC Response – current, planned, or proposed activity   | Key Deliverables within 6 months (June 2024)  | Accountable Officer   |
|---|---|---|---|
|   | <ul style="list-style-type: none"> <li>• Member-officer relationships (with a particular focus on mutual roles and responsibilities, including delegation)</li> <li>• Role and functions of Council, Cabinet, scrutiny, and audit in respect of development and agreement of major decisions and strategies.</li> <li>• Conduct, values, and behaviours</li> <li>• New financial governance arrangements</li> </ul> <p>Develop new Terms of Reference for the Audit Committee and better alignment of the Audit Committee role to CIPFA best practice standards and consider alignment of standards/principles with other committees.</p> <p>Establish a Corporate Governance (Officer) Group to support the Audit Committee and other governance related work.</p> | <p>Agreed further activity as part of the Improvement and Recovery Plan</p>   |   |
| <p><b>5. Reframe the scrutiny work programme to focus on the Council's improvement and recovery priorities.</b></p> | <p>Scrutiny will play an active part in the 24/25 Budget development process. A Budget Scrutiny Task and Finish Group has been recently established to support this.</p> <p>Align the Overview &amp; Scrutiny work programme to the Improvement and Recovery Plan (once developed). This should focus on:</p> <ul style="list-style-type: none"> <li>• The safe and effective delivery of key services supporting vulnerable people.</li> <li>• Critical performance issues emerging “by exception”.</li> <li>• Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by</li> </ul>   | <p>Alignment of the Overview &amp; Scrutiny work programme with the Improvement and Recovery Plan</p> <p>Scrutiny's role in the 2024/25 Budget development process has subjected financial plans to rigorous challenge.</p> <p>Scrutiny has played a consistent and productive role in the Council's overall immediate improvement and recovery activity. It, and the wider Council, needs to have been able to demonstrate what that value has been added.</p> | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> |

| CfGS Recommendation  | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)   | Accountable Officer   |
|--|--|--|---|
|  | <p>exception), and other priority scrutiny activity relating to the Budget.</p> <ul style="list-style-type: none"> <li>• Culture, behaviour change and organisational development.</li> </ul>  |  |   |
| <p><b>6. Strengthen working relationships between the Chairs of Scrutiny Committees and the Chair of the Audit Committee to lead and direct the function</b></p> | <p>Scrutiny Chairs should meet on a monthly basis.</p> <p>Scrutiny Chairs and Audit Committee Chairs should meet on a quarterly basis to:</p> <ol style="list-style-type: none"> <li>Consider critical performance and risk issues and how they ought to be escalated to committee.</li> <li>Agree forthcoming agendas.</li> <li>Consider cross-cutting issues and determine where and how they should be dealt with.</li> <li>Review and reflect on recent scrutiny exercises.</li> </ol>   | <p>A new forward programme of work for the year drafted for Audit Committee</p> <p>Scrutiny and Audit have demonstrated to internal and external stakeholders they are actively contributing to the recovery and improvement priorities and activity.</p>  | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> <p>Assistant Director, Programmes, Performance, and Improvement</p> |
| <p><b>7. Put in place new arrangements for the support of the internal audit function, the audit committee, and the links between audit and scrutiny</b></p>     | <p>Audit Committee improvements should be informed by CIPFA best practice standards.</p> <p>Use of new terms of reference to drive action on new ways of working for the Audit Committee. This will include:</p> <ul style="list-style-type: none"> <li>• Audit Committee to be assured on the Council's principal strategic risks on finance and governance and to review and refine plans for mitigation with a focus on the external auditor's statutory recommendations.</li> <li>• Development of new risk-based systems to identify further emerging pressures.</li> </ul> | <p>Audit Committee have a clear understanding of key strategic risks on finance and governance.</p> <p>Reporting arrangements and a risk-led work programme have been developed for audit and scrutiny functions.</p> <p>Agreement of a new methodology for internal audit by the Audit Committee.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p> | <p>Interim Monitoring Officer</p> <p>Director of Finance</p>  |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)   | Accountable Officer        |
|---|--|--|----------------------------|
|   | <ul style="list-style-type: none"> <li>• Development of a new methodology for internal audits, which should be agreed by the Audit Committee before implementation.</li> <li>• Develop a more risk-led work programme for the audit and scrutiny functions on financial matters.</li> </ul> <p>Develop new and improved reporting arrangements to/from Audit Committee to other governance committees and groups.</p> <p>Support to officers working within internal audit and wider assurance framework through the Professional Leadership Development Scheme.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p>       |  |                            |
| <p><b>8. Design, and begin to put in place, new risk &amp; information management arrangements – with an initial focus on member accountability</b></p> | <p>Consider how the performance management framework can be strengthened to incorporate indicators of risk.</p> <p>A new risk management framework to be developed with emphasis on Assistant Directors being personally responsible for owned risks and KPI's.</p> <ul style="list-style-type: none"> <li>• Undertake an exercise to baseline the understanding of risk in the authority, who owns it, how it is being mitigated and arrangements for oversight and escalation.</li> <li>• Enhance officers' capability on risk through development training enhance members understanding about their collective role in risk management.</li> </ul> | <p>There is increased clarity on risk owners.</p> <p>The council is better able to recognise its risks as they emerge and escalate to elected members more effectively and mitigate accordingly.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p> | <p>Director of Finance</p> |

| CfGS Recommendation  | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)  | Accountable Officer  |
|--|--|---|--|
|  | <p>Develop new Audit Committee Terms of Reference to strengthen approach to risk management.</p> <p>A new Corporate Governance (Officer) Group to be formed, with a focus on governance, risk, and performance management.</p> <p>Review and revise arrangements for member support, and information sharing with Overview and Scrutiny and Audit.</p> <p>Set substantive discussion of risk as a standing item on monthly Cabinet agendas (escalated from, and informed by, discussions at Scrutiny and Audit Committee).</p> <p>Scope and develop further programme of action as part of the Improvement and Recovery Plan.</p>            |   |  |
| <p><b>9. Put in place robust arrangements for members’ oversight of the development of the 2024/25 budget and MTFS</b></p> | <p>Early engagement by scrutiny members is being built into the budget development processes. A Budget Scrutiny Task and Finish Group has been established to address this. Scrutiny involvement will include:</p> <ul style="list-style-type: none"> <li>• Identification and scrutiny of the most critical areas where savings/cuts are planned with a particular focus on the equality and equity impacts.</li> <li>• Time and space for scrutiny to investigate and challenge the budget development including the budget plans themselves.</li> <li>• Members and Commissioner sessions are being scheduled to support this.</li> </ul> | <p>Members have had opportunities to review and challenge the development of the 2024/25 budget through the Budget Scrutiny Task and Finish Group and additional sessions.</p> <p>A process for ongoing, in-year budget scrutiny has been developed.</p> <p>Multi-directorate teams have reviewed and challenged the budget.</p> <p>Members’ input means that some of the most significant negative impacts on local people from service/budget cuts have had the opportunity to be tested/mitigated.</p> | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> <p>Director of Finance</p> |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)   | Accountable Officer                                    |
|---|--|--|--|
|   | <ul style="list-style-type: none"> <li>Separate process for ongoing, in-year budget scrutiny to be informed by the stabilisation plan's proposed action on audit and scrutiny.</li> </ul> <p>Review and challenge of the budget from multi-dimension teams will be held across Finance, HR, Procurement, Legal, DTS, Equalities.</p> <p>The new Terms of Reference for the Audit Committee provides greater clarity of the Committee's role in financial management oversight.</p> | <p>There will be formal feedback from scrutiny to Council, to support its formal work on signing off the Budget in New Year 2024.</p>  |  |
| <p><b>10. Integrate action on external auditors' recommendations into wider practice.</b></p> | <p>All external audit recommendations fall within the scope of commissioner led intervention, and will be addressed where required by the Improvement and Recovery Plan</p> <p>A new corporate timetable has been issued to develop a budget, which includes all services and involves engagement from Members. This will result in a more sustainable financial plan.</p>   | <p>A more sustainable financial plan has been developed through following the new corporate budget timetable.</p> <p>External audit recommendations are being monitored and integrated into wider improvement plan and practice.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p>                                 | <p>Director of Finance</p>                             |
| <p><b>11. Continue to rebuild relationships with external partners.</b></p>                   | <p>A programme of work is being implemented to understand partner's needs, roles, capacity, and capability.</p> <p>Partnership engagement infrastructure is being developed to strengthen the council's approach, and tools will be made available to help contribute to the Council's effectiveness as mature and effective partner.</p> <p>Start to think about how active partnerships can contribute to service redesign, which we consider</p>                                | <p>There is a better understanding of the Council's partners, which acts as a basis for meaningful discussion of the role of partners in respect of the Council's future operating model.</p> <p>Tools and guidance are available to support partnership work across the Council.</p> <p>Members are more strongly involved in partnerships.</p> | <p>Director of Strategy, Equality and Partnerships</p> |

| CfGS Recommendation  | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)  | Accountable Officer   |
|--|--|---|---|
|  | <p>will be an important theme of the Improvement and Recovery Plan.</p> <p>Approach to Member involvement needs to be developed in order for them to play strong role in this work.</p>  | <p>Agreed further activity as part of the Improvement and Recovery Plan</p>   |   |
| <p><b>12. Put in place proportionate arrangements to manage governance and decision-making in the context of the role of Commissioners</b></p> | <p>Proportionate and directed oversight by Commissioners will be integrated into plans for the constitutional review, and other short-term changes to the governance framework.</p> <p>Activity is already underway to:</p> <ul style="list-style-type: none"> <li>• Establish process for Commissioners to clear and comment on all council/ cabinet reports.</li> <li>• Agree where and how Commissioners will be sighted on important / contended matters.</li> <li>• Agree on how delegation will operate under Commissioners' oversight.</li> <li>• Create formalised arrangements for Cabinet/ CLT/ Commissioner/ scrutiny relationships, to ensure that there is public visibility and accountability.</li> </ul> | <p>Proportionate arrangements are in place to integrate Commissioners' roles, and expectations, as a semi-permanent part of the governance framework. These arrangements are consistent and well-understood.</p>  | <p>Director of Strategy, Equality and Partnerships</p>              |
| <p><b>13. Modernise systems and practices in Scrutiny and Committee Services</b></p>   | <p>The Statutory Scrutiny Officer (SSO) will be empowered with scrutiny chairs and CLT, to take forward action to ensure that improvement work is taken forward.</p> <p>Ongoing mentoring support to officers supporting the Audit Committee to be used as a model for wider mentoring and coaching for Scrutiny and Committee Services staff.</p> <p>Scoping further activity for the Improvement and Recovery Plan.</p>  | <p>Improvement work has been undertaken in Scrutiny and Committee Services, reflecting the recommendations from ongoing externally commissioned support work.</p> <p>The SSO and Scrutiny and Committee Services has a higher profile in the organisation.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan.</p> | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> |

| <b>CfGS Recommendation</b> | <b>BCC Response – current, planned, or proposed activity</b>   | <b>Key Deliverables within 6 months (June 2024)</b> | <b>Accountable Officer</b> |
|----------------------------|--|---|----------------------------|
|                            | Delivery is contingent on conclusion of ongoing externally commissioned improvement activity across Scrutiny and Committee Services. |   |                            |





**Birmingham City Council  
Standards Committee**

28 March 2024



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**Subject: New Protocol for Member/Officer Relationships**

**Commissioner's Review:**

Commissioners support the recommendations.



# Birmingham City Council

## Standards Committee

28 March 2024



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**Report of:** Interim City Solicitor of Law & Governance and Monitoring Officer

**Meeting of:** New Protocol for Member / Officer Relationships

**Date:** 28 March 2024

Does the report contain confidential or exempt information?  Yes  No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

### 1. Executive Summary

To agree a new Member / Officer protocol to govern relationships between Members and Officers at Birmingham City Council.

### 2. Recommendations

That the Committee:

- 2.1 Agrees this report and thanks the Centre for Governance and Scrutiny (CfGS) for their assistance in devising a new protocol.
- 2.2 Approves the draft protocol at Appendix 1.
- 2.3 Recommend Full Council, at the annual meeting, to adopt the new protocol subject to any amendments that may be identified as a result of an analysis of the outcomes of the member survey, and those actions identified in the “next steps” section.
- 2.4 Authorises the Monitoring Officer in consultation with the Chair of Standards Committee to make such amendments before adoption by Full Council.
- 2.5 Approves the actions identified in the Next Steps section.
- 2.6 Agrees that the work programme for briefing and training on this protocol, along with specific dates of training, workshops, and other activities, will be agreed between the Monitoring Officer and the Chair of Standards Committee.

2.7 Agrees that detailed plans for further learning and development for Members and Officers, forming part of the Improvement and Recovery Plan and future Corporate Plan, will be prepared, and reported to the Committee for agreement in the early summer.

2.8 Agrees to review the protocol 6 months after adoption by Full Council.

### **3. Background**

3.1 A priority has been identified in the Independent Review of Governance by the CfGS for the Council to develop a new Member/Officer protocol.

3.2 This report proposes the adoption of a new Member/Officer Protocol which reflects the ongoing work on wider culture change in the Council. At the time of writing there are several programmes of work being undertaken across the organisation that connect to this work, all of them seeking to support action to develop, and then implement, the Improvement and Recovery Plan.

3.3 Ultimately, the objective of this work must be to put in place a more effective and consistent framework for Member/Officer relations. The development of a draft protocol is an important point on this journey, but it is not the destination.

3.4 The agreement of the framework set out in the Protocol will need to be considered as the foundation for a broader and deeper conversation between Members, and between Members and Officers, about duties, roles and behaviours.

### **4. Research carried out by CfGS and the Council to Support the Drafting of a New Protocol**

4.1 CfGS have carried out a review to identify the kinds of measure likely to be able to bring about shifts in attitudes and behaviours, paying particular attention to political relationships. The conclusions, principles and objectives deriving from this review are set out in the next sections. These outcomes have been informed by:

- Engagement with national sector partners.
- Learning from approaches taken by other councils.
- Structured conversations with key Members and Officers

4.2A Member survey has been undertaken (from 6 March 2024 to 22 March 2024) to enable the Council to better understand Elected Members and their needs. Members were encouraged to be as candid as possible in their responses. The responses will be used to inform the protocol and related activities including Member development. Headline findings will be shared with the Committee verbally at the meeting. In due course, a written report on the results will be shared with members.

4.3As part of wider work on organisational culture forming part of the IRP, it is expected that a range of activity will also be carried out with officers. This may include surveys and engagement work which, depending on timings, will be used to inform the ongoing refinement and amendment to this protocol.

4.4The protocol will be reviewed by the Standards Committee 6 months after adoption by Council; this will enable the Committee to consider the performance of the protocol, compliance with its principles and make any resulting necessary amendments.

## **5. The Current Member/Officer Relations Protocol**

5.1The Council's Constitution currently contains a protocol aimed at supporting effective Member/Officer relations.

5.2However, given the failures identified in the Independent Governance Review, CfGS and the Council have concluded that the current Protocol is self-evidently not meeting its required purpose.

5.3The current protocol is a discursive exploration of expected behaviours, and given that it sets no specific, consistent expectations of either Member or Officer conduct, does not provide the required framework for the development and maintenance of productive relationships.

5.4The current protocol makes no reference to the different power dynamics applying to Member/Officer relationship in different circumstances, or the fact that "appropriate" and "inappropriate" conduct and relationships may therefore differ according to those circumstances.

5.5The current protocol does not take account of wider arrangements in place for decision-making and oversight at the authority.

5.6 On account of these shortcomings, and wider challenges relating to some member-officer relationships, the independent Governance Review carried out in late 2023 by the Centre for Governance and Scrutiny highlighted the need for a new Protocol to be developed as part of the Governance Stabilisation Plan.

5.7 In doing so, the Council and CfGS note that the production of a new Protocol is one element of a wider programme of work with both members and officers to take forward behavioural change. The Council recognises that the Protocol will not deliver that change on its own, which is why the learning and development activity set out in the “Next Steps” section.

## **6. Approaches Taken Elsewhere**

6.1 Other Councils have taken variable approaches to the development of Member/Officer protocols. For the most part these tend to be quite perfunctory. Protocols might be updated at the same time as the wider constitution, but those updates are not informed by detailed member/officer dialogue, and do not connect to wider learning and development activity. For many Councils, these protocols may be very old – many date back over 15 years and reflect the now non-existent national standards regime.

6.2 Where Councils *have* undertaken more meaningful reviews of this material it has generally been in connection with a wider organisational objective – a move by a Council to a new operating model, a significant cultural change programme, or similar. The drafting of protocols themselves have under those circumstances been bookended by significant Member and Officer engagement.

## **7. Conclusions on what a Member-Officer Protocol Can (and Cannot) Do**

7.1 CfGS and the Council have drawn from their research the following central principles, which have been used in the development of the Protocol as currently drafted.

- A protocol cannot bring about behavioural change on its own.
- A protocol cannot specify, and create rules for, every single Member/Officer interaction, or type of interaction – it can set out general principles and expectations around certain elements of those relationships but can never be exhaustive.

- A protocol can, and should, act as a basis for further conversation and action on these issues.
- A protocol can – within certain parameters – be used as a mechanism to judge whether the Member, and Officer, Codes of Conduct have been followed/breached. In short, it needs to have “teeth”.
- A protocol adopted wholesale from another Authority won’t achieve anything, because the value in producing it lies in the conversations that underpin that production (and in learning and development work carried out after), rather than the finished document.

## **8. Objectives Underpinning the Development of a Member-Officer Protocol**

A protocol should:

8.1 Provide a clear explanation of the respective roles that members and officers perform, with a view to aiding mutual understanding.

8.2 Be explicit about the exact behavioural expectations around Member/Officer relationships, and interactions.

8.3 Be explicit around the interactions expected in respect of key governance activity – decision-making, challenge and oversight, ward work, and other activity where close member-officer liaison is expected.

Therefore, a protocol needs to do the following:

8.4 Clearly set out Members’ and Officers’ respective roles – and highlight where those roles intersect.

8.5 Highlight and affirm the core behaviours underpinning relationships – this may initially be through reference to the Nolan Principles, but any new values and behavioural expectations being developed as part of the Council’s wider cultural change problem will need to be included.

8.6 In doing so, make especially clear that this is about both Member and Officer relationships; it is important to emphasise that the drafting and development of a Member/Officer protocol is not seen as a measure primarily designed to “manage Member behaviours”.

8.7 Set out how relationships can be expected to be managed in respect of certain key areas of member-officer interactions –to include:

- Policy development and executive decision-making
- Decision-making and liaison on regulatory matters (e.g. planning and licensing).
- Expected relationships, ways of working and expectations with regard to the operational management of services.
- Highlight wider relationships, and how they intersect with member-officer relationships. Member/Officer relationships do not sit in a vacuum, and it is necessary to recognise the other relationships (and factors inherent to those relationship) that impacts on members-officer relations.

8.8 Provide (fictional) worked examples of the above issues – making some of the potential pressures and conflicts more tangible. (This will be developed for the Member and Officer learning and development and appended to the Protocol before adoption by Council.)

8.9 Connected to the above, provide for its use as a learning and development tool (i.e. the protocol itself should be used as the basis for ongoing learning and development activities) and for use in the induction process for new members and new officers, to ensure that people who are new to the authority are aware of expected behaviours and good and bad practice.

8.10 Provide for ways for non-adherence to the protocol to be investigated, and action taken against potential breaches, in line with the Member and Officer Codes of Conduct.

8.11 As drafted, the Protocol submitted to members for approval at this meeting is intended to reflect these needs.

## **9. Next Steps: Short Term Learning and Development Activity**

9.1 To be incorporated meaningfully in the Constitution, the protocol will need to be approved at Full Council. The usual timescale for doing this will be at Council AGM. The period between March and May will be used to share the protocol, embark on learning and development activity to promote understanding of it and



its associated obligations, and by so doing to embed it meaningfully in people's day to day work. This will be integrated with planned wider culture change work.

9.2 The detailed plan of this work programme along with specific dates of training, workshops, and other activities, will be agreed between the Monitoring Officer and Chair of Standards Committee. It is anticipated that training for members and officers will be compulsory. CfGS and Council officers are currently considering options in detail, and propose to seek direction from members at the Committee's meeting.

9.3 With Members, it is anticipated that this learning and development activity will involve:

- Practical discussion in Group meetings; an officer to introduce the key components of the Protocol at Group meetings and for members, in officers' absence, to work through the learning and development tools built into the Protocol to explore what it means for them in a political context.
- Discussion in functional groups; short sessions for Cabinet members, scrutiny members, Audit members, backbench members etc to talk about the specific member-officer dynamics applying to those roles and relationships.
- Integration into the member induction programme for newly elected members and member development programme.

9.4 With Officers, it is anticipated that this will involve:

- Training in the form of workshops, to be delivered online and/or in person to all members of staff regardless of position/grade
- Specific training for officers who regularly interact with members in committee, briefings or otherwise.
- Discussion and workshops within service areas focussing on possible scenarios specific to their area of work
- Integration of the protocol into the staff induction programme

9.5 After initial learning and development activity has been completed the Standards Committee will need to assume formal, ongoing ownership of the Protocol, clearly identifying performance measures, to assure its continued use. The

Monitoring Officer will seek agreement and establishment of these formal monitoring arrangements, from the Standards Committee.

## **10. Legal Implications**

- 10.1 The Localism Act 2011; the Council must promote and maintain high standards of conduct by Members and co-opted Members of the Authority. This includes adopting a Member Code of Conduct.

## **11. Financial Implications**

- 11.1 There are no financial implications.

## **12. Background Documents**

- 12.1 Current Member Officer Protocol
- 12.2 Centre for Governance and Scrutiny Independent Governance Review – December 2023

**Report Author: Marie Rosenthal – Interim City Solicitor & Monitoring Officer**

## **C5. MEMBER / OFFICER RELATIONS PROTOCOL**

### **Introduction**

- i. The purpose of this Protocol is to guide Members and officers of the Council in their relations with one another in such a way as to ensure that the Council is not brought into disrepute, that a high standard of conduct is maintained and to ensure the business of the Council is transacted in a transparent, effective and efficient manner.
- ii. Birmingham City Council is committed to promoting a culture that demonstrates its core values and behaviours. Members and officers in conducting their working relationships with each other are expected to promote this culture and do so by acting in a respectful and professional manner. There is a high standard of conduct expected of both Members and officers at all times.
- iii. Failure to follow the expected conduct by either Members or officers is considered a serious issue by the Council and will be dealt with in accordance with the Council's policies and procedures and/or, in accordance with the Member Code of Conduct, as set out in the Constitution.
- iv. This Protocol seeks to promote greater clarity and certainty as to working relationships between Members and officers. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that officers are not subject to accusations of bias, and any undue influence from Members.
- v. The Protocol is to a large extent a written statement of current practice and convention and given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise and serves as a guide to dealing with other circumstances as they arise.
- vi. It also seeks to reflect the principles underlying the Code of Conduct for Members ("the Members' Code") and the Code of Conduct for Employees ("the Employees' Code"). The shared objective of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- vii. Members do not have any special immunity from civil or criminal wrongs that they may commit against any fellow Members, officers or members of the public.
- viii. This Protocol should be read in conjunction with the Members' Code and the Employees' Code, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.

### **Roles of Members and Officers**

- i. The Elected Members are responsible for:
  - a) Initiation and direction of policy;
  - b) Democratic accountability to the electorate for policies and for service delivery;

- c) Scrutiny of Council services;
  - d) Community leadership; and
  - e) Promotion of partnership working.
- ii. The officers are responsible for:
- a) Providing the professional advice that Members must have before them when formulating policy and when taking decisions;
  - b) Implementing Members' decisions that have followed due process;
  - c) Running the Council's services and day-to-day administration;
  - d) Taking managerial and operational decisions in accordance with the Council's schemes of delegation; and
  - e) Providing information regarding Council services and approved Council policies.

### **Working Relationships**

- i. Both Members and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and officers are responsible to the Council as a whole. The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- ii. An informal and collaborative approach to working between Members and officers is encouraged. Members and officers should overall treat each other as they would wish to be treated.
- iii. However, both Members and officers should be guarded as personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and officers can damage the relationship of mutual respect and prove embarrassing to other Members and officers.

### **Constructive Criticism and Redress**

- i. Challenge in a constructive and non-confrontational way is important in ensuring that policies and service performance are meeting the Council's strategic objectives. Nothing in this protocol is therefore intended to stop Members holding officers to account for decisions made under delegated powers. Officers are accountable to the Council for any decision they make and may be required to report to and answer questions from a Scrutiny Committee. Nothing herein is intended to inhibit constructive criticism delivered with courtesy and officers should not feel their employment is at risk as a result of such intervention.

- ii. Members should guard against putting inappropriate pressure, in particular, on junior officers and need to be aware that it is easy for junior officers to feel at a disadvantage in their interactions with Members.
- iii. Members should not pressurise any Officer to change his/her professional opinion on any Council business matter or do anything that compromises the impartiality of officers.
- iv. If a Member considers that he or she has not been treated with proper respect or courtesy by an Officer, he or she may raise it with the Officer's line manager or Chief Officer or the Monitoring Officer without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate action may be taken by the Chief Officer in accordance with the Council's normal procedures, should the allegations be proved to be true. Feedback should be given to the Member on the outcome and confidentiality, unless otherwise agreed, must be maintained by all parties.
- v. If an Officer considers that he or she has not been treated with proper respect or courtesy by a Member, and a direct discussion is impractical or fails to resolve the matter, he or she has the option of raising the matter in private with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and in confidence. In such circumstances, the Monitoring Officer will take such action as is appropriate either by approaching the Member and/or Party Group Leader and also advising the Chief Executive as Head of Paid Service. It may also be appropriate to advise the Chief Officer. Unless otherwise expressly agreed between parties, confidentiality including the identity of the Officer will be maintained at all times. This protocol does not affect the Officer's right to raise the matter via the Council's usual grievance procedures.
- vi. Members should not raise matters relating to the conduct or capabilities of an Officer at meetings held in public or before the Press as officers have no means of responding in public.
- vii. Nothing in this protocol shall prevent a Member or Officer expressing a relevant concern under the Council's Whistleblowing Policy.

#### **Officer Reports and Advice**

- i. The Chief Officer /Head of Service where they are named in a report to the Council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.
- ii. A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. On occasions, officers will need to express a professional view on a matter which may not support the view of the Executive and/or the relevant Chief Officers of the Council. However, it remains for Members to determine the Council's policies and for officers to act on those policies.

### **Officer Advice to Party Groups**

- i. It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. The assistance provided by senior officers can take many forms ranging from a briefing meeting with an Executive Member, Lead Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual Members. All officers must, in their dealings with political groups and individual Members, maintain political neutrality and treat them in a fair and even-handed manner.
- ii. Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group, that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Authority in so far as that is necessary to perform their duties.
- iii. This Protocol can be revised or amended at any time in accordance with Constitutional requirements.

## **C6. EMPLOYEE CODE OF CONDUCT**

The Employee Code of Conduct can be found here: [Birmingham City Council Code of Conduct | Birmingham City Council](#)





## Member Officer Protocol

### Proposed Draft

#### I. Introduction

Members are democratically elected politicians who give overall direction to the Council using their knowledge of the needs and aspirations of the communities they represent.

Officers are members of staff at the Council. They are politically neutral and employed to manage and deliver services using their knowledge and skills.

One summary of how the roles should work together is that members set council policy, with the advice of officers, and officers implement that policy, under the scrutiny of members. It is essential for the effective running of a council and for public trust that these sets of roles are, and are seen to be, well synchronised.

Appendix 1 sets out more detail of these roles and their responsibilities.

The Council recognises that relationships between members and officers form the basis of an effective, high performing local authority. An environment where people are clear about their duties and responsibilities is one in which people can work together on behalf of our residents.

The Council recognises that a positive organisational culture is not something which can be “achieved” – development is a continual process of improvement.

Behaviours will never be perfect. The complexity of relationships and different peoples’ motivations means that the Council expects that member-officer relationships – while governed by consistent and clear principles – may not always work smoothly and comfortably. This Protocol aims to provide a framework both for better relationships, and for clarity over what should happen when things don’t go as expected.

In doing this, the Protocol aims to set out some behavioural expectations, and some principles around how those expectations will be embedded, enforced, and monitored. For this reason, the Protocol should be read alongside the Member Code of Conduct, and Officer Code of Conduct, and other codes, protocols and rules of procedure that relate to members’ and officers’ duties.

Members and officers of the Council are servants of the public. They are indispensable to one another. Mutual respect between Members and officers is essential for good local government. Close personal familiarity, such as a lack of professionalism or informality, or personal relationships between individual Members and officers can damage this dynamic, impact on decision making and on the wider culture of the organisation. Situations should be



avoided that could give rise to the appearance of improper conduct or behaviour and members and officers should consider whether personal interests should be registered and declared at meetings.

The principles underpinning positive working behaviours will be informed by the development of the Council's wider values framework. This Protocol, however, is based on the following foundational assumptions:

- Good member-officer relationships form the basis of a successful, effectively run authority.
- Personal behaviours influence and inform the quality of those relationships.
- Most member-officer interactions and relationships will be healthy and productive, but from time-to-time problems will arise. Systems are therefore needed not to govern and constrain those relationships, but to support them to develop in the right direction, and to overcome problems when they do occur.

This protocol relates to interactions and relations between Members and Officers both in person and via other means, including through social media. Separate and more detailed guidance is in place for both Members and Officers in relation to the use of social media.

## II. Ownership

The development of positive working behaviours is everyone's responsibility. The protocol seeks to outline the key roles in the ownership and promotion of these behaviours.

### A. Members:

Executive responsibility for this Protocol, and action to implement and embed it, will be held by the Cabinet member responsible for this area of the Council's work ("**portfolio holder**"). The **portfolio holder** will work with the Monitoring Officer and Director of People Services to develop and deploy ongoing learning and development activities around this Protocol, and the Codes of Conduct, to officers and members. The **portfolio holder** will also have regard to the Protocol's overall use and effectiveness.

The **portfolio holder** will be held to account and supported in this task by the Council's **Standards Committee**. The Standards Committee will be responsible for taking evidence, and reports, on a regular basis to allow it to determine whether the Protocol is being used effectively by the Council to frame and support member-officer relationships. This should include examples of positive working behaviours, and how lessons are being learned from those behaviours.

The Standards Committee will advise the **Audit Committee** as to the Council's use of the Protocol, and the strength of the behaviours that underpin its effective operation. The Audit Committee will feed this insight into the

March 2024



Annual Governance Statement. Through this mechanism, a judgement on the effectiveness of the Protocol will be made on an annual basis by Council, further to its signoff of the AGS.

The Chair of Standards will regularly liaise with the **Whips of Political Groups** to highlight and deal with any general issues relating to the operation of this Protocol. Individual issues, and complaints, will be dealt with using the systems set out in “Identifying and acting on where things go wrong”, below.

Recognising the needs of **independent councillors**, who may not be part of a Political Group, the Chair of Standards will liaise directly with any such councillors.

### B. Officers:

On the officer side, this Protocol will be held by the **Monitoring Officer** and the **Director of People Services**. They will ensure that appraisal and performance management arrangements for officers closely reflect the content of the Protocol and of the Codes of Conduct, in consultation with **Corporate Leadership Team**. The protocol will be part of the induction for new officers and members.

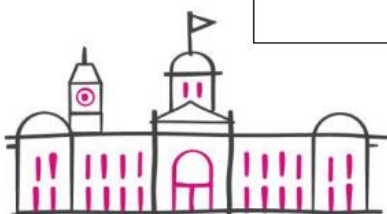
Officers in **Assistant Director**, and more senior posts, will hold a responsibility to implement this. They will personally model good behaviours, discussing them in supervision and team meetings, and taking other active steps to broadcast them amongst their teams. This activity will be monitored in supervision, performance management and appraisals.

## III. Roles and Responsibilities

### I. Members

This list is illustrative rather than exhaustive.

| Role   | Support Needed from Officers  |
|--|---|
| Members are decision-makers. Decision-making duties vary – some members engage in executive decisions, some in decision-making on regulatory functions, some in quasi-judicial decisions and some on high level policy decisions and budget setting. | They need support from officers so that they have access to the right information, at the right time, to support that role. The officer support needed for these roles will be different. |
| Members oversee the Council’s work, through the audit and scrutiny functions.  | Information, support, and advice from officers to be able to carry out these roles;   |
| Members hold certain specific statutory duties.  | Certain duties may require that members work with officers, or oversee their work, in a different way. For  |



|   |   |
|---|---|
|   | example, councillors' corporate parenting responsibilities  |
| Members sit on "outside bodies", appointed or nominated by the Council  | Members may need advice and support on how to discharge their functions effectively on outside bodies |
| Members are representatives of people in their wards, and of the residents, workers, and students of the wider city | Officers need to support them to carry out work to support those people.                              |

## II. Officers

This list is illustrative rather than exhaustive.

| <b>Role</b>                                    | <b>Support Needed from Members</b>  |
|--|---|
| Officers are decision-makers.                  | Members need to support them to make those decisions where they are given the authority to do so – for example, through the officer scheme of delegation;   |
| Officers are operational managers of services. | Members need to provide officers with the space they need to make operational decisions independently. Members do, however, need to be notified of decisions that will affect policy or where there is operational failure; |
| Officers are managers of staff                 | They have the sole responsibility to direct their staff and to prioritise their staff's work, in accordance with Corporate Plans which are created collaboratively with members.  |

Officers are politically neutral but operate in a political space. Officers need to provide clear and independent advice on those areas covered by their professional responsibilities. This involves ensuring that appropriate advice, information, and support is provided to members of all political parties, not just the executive.

Detailed rules for the provision of support equally across political groups (in a way that recognises the need to act to fulfil the administration/executive's priorities) can be found in the Officer Code of Conduct. Detailed rules for the provision of information to members more generally can be found in the Council's Access to Information Procedure Rules.



### III. Examples of areas where members and officers will need to work together.

- Policy-making, and executive decision-making.
  - This is an area where Cabinet members and officers will need to work closely together and ensure that there are clear written records of decisions and workings. Members will need to be able to clearly articulate their political policy objectives and the outcomes they are looking to achieve. Members can share local insights and experiences with Officers which can inform policy making. Officers will need to gather evidence and information to support the delivery of those objectives, and to bring members robust options for how those objectives can be delivered. Members and officers will need to work together in an environment of trust to develop those plans and, where necessary, to be prepared to submit to scrutiny of those plans. This will involve close working relationships – especially between chief officers and Cabinet members. These relationships must reflect the respective roles of members and officers and the need for clarity about who holds responsibility for what.
  - The needs of policymaking will also involve liaison with members from other political groups, and liaison with scrutiny members. Officers and members will need to work together to ensure that this work is constructive, focused, and proportionate.
  - Officers will need to provide adequate briefings for members on various policy decisions and reports.
  - Members will need training and development from Officers to conduct their role effectively, with a focus on their areas of responsibility and interest. Officers or external partners can deliver this training and needs should be assessed during the induction process.
- Oversight and accountability. In respect of audit and scrutiny committees in particular:
  - Members need to be assured that officers are bringing them timely, proportionate, and accurate information that meets their needs.
  - Officers need to understand members' needs and motivations in asking for information and need to be able to speak frankly and candidly in committee (and other formal spaces) without being drawn into overtly party-political arguments.
- Operational business.
  - Members will have an interest in operational business, where it relates to an issue raised by one of their constituents or in an area of leadership responsibility. The Council [has / will have in due course] systems to provide assurance to members on operational action.
  - Where members and officers need to liaise with officers on operational concerns, issues and complaints, the relevant Assistant





Director should always be aware of the engagement so that member expectations can be fully understood and met.

- Where Officers need to engage with members on matters such as public consultations, planning or strategic programmes, the officer should ensure that the relevant Cabinet member is informed.
- Where Officers are asked to provide a briefing to a Cabinet member, they should ensure that their portfolio holder is aware of that briefing.
- Where members need to liaise with an officer on operational concerns, issues and complaints, members should be mindful of the seniority of the officer being approached and the potential power dynamics between the member and officer. Members will need to consider which officer it is most appropriate to approach. Where officers propose to take major operational action in specific wards (including to remediate performance issues and/or to otherwise bring about substantive changes to certain services), the councillors representing those wards should be informed. This liaison should take place in the context of officers being entitled, through delegated powers, to make these operational decisions.
- Where Officers need to brief or consult a member, they should consider which member it is most appropriate to approach, considering the portfolios held, wards affected, and level of member input required.
- Governance
  - Members will respect the responsibilities of the statutory officers. The roles and responsibilities of the statutory officers are addressed in the Constitution.
  - Officers will respect the responsibility of the cabinet members. The roles and responsibilities of the cabinet members are addressed in the Constitution.

#### IV. Behaviours that need to govern the member-officer relationship.

The relationship between members and officers will be governed by a commitment from all to the Nolan Principles. This commitment will be given at the point of recruitment/election. These are:

- Selflessness. Holders of public office should act solely in terms of the public interest.
- Integrity. Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.



- Objectivity. Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- Accountability. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- Openness. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- Honesty. Holders of public office should be truthful.
- Leadership. Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The behaviours that will demonstrate adherence to these principles will differ from relationship to relationship, and between different parts of the Council. They are likely to include:

- Frankness and candour. *People should be honest about what is needed and what is possible. Both officers and members need to have regard to the various restrictions applying to their roles relative to each other, and the pressure that puts people under. Recognising that disagreement is inevitable, members and officers need to work together to surface possible problems as soon as possible.*
- Respect and understanding of mutual roles. *Member / officer relationships should reflect a familiarity with respective day-to-day, and wider strategic, roles and responsibilities. Again, this will help people to understand pressures, constraints, and motivations.*
- Robust and constructive mutual challenge. *Power dynamics exist between members and officers which may make it difficult for them to engage as equals in every circumstance. Where disagreement arises and where accountability is needed, constructive challenge needs to take account of possible power differentials with a view to finding solutions.*
- Recognition of success and positive behaviours. *Members and officers need to model for others, and support in themselves, positive working behaviours.*
- A focus on purpose and outcome, not process for the sake of process. *Process is an important part of good governance; the way that process is used and followed by both members and officers needs to be informed by the desire purpose and outcomes. Having clarity on shared purpose and outcomes will ensure that the right, and most proportionate, processes can be followed – and that the need for these processes is understood.*
- An open and honest approach to communication. *Members and officers are not all the same. Developing positive working relationships means ensuring that those relationships work for the people within them.*



*Communication over needs and motivations, and desired outcomes, needs to happen.*

- Dignity and Courtesy. *Members and Officers should communicate with each other with dignity and courtesy, creating an environment where discourteous and bullying behaviour is called out and not tolerated.*

This list is illustrative, not exhaustive. It should be seen as reflecting overall the behaviours that both members and officers should demonstrate, rather than as a tick box to define the effectiveness of individual interactions. That said, this list of behaviours should still provide the basis for a judgement as to where things may have gone wrong – including the exercise of sanctions for wrongdoing in the most serious cases.

These behaviours are explained, and explored, in scenarios produced to accompany this Protocol. The Council commits to the regular refinement of these scenarios, and of other material produced in support of this Protocol (including learning and development material).

## **V. Relationships with Trade Union Colleagues**

The Council recognises that the relationship between Trade Unions, Members and Officers is complex, and it is crucial to the effective operation of the organisation that this is a positive constructive, healthy relationship.

As set out above in part IV, the behaviours that members and officers exhibit are central to the success of relationships, including these relationships. For example, members and officers must not allow themselves to be put under any obligation which may mean that they are inappropriately influenced, they should not act or take decisions to gain financial or other material benefits for themselves or friends and family, they should act as leaders and treat others with respect.

Members need to be particularly careful to ensure that they do not seek to influence operational matters, whether in formal meetings or otherwise, which could directly or indirectly affect the union of which they are a member. Further, in accordance with the Code of Conduct, members are required to register and declare their interests which can include Trade union membership.

## **VI. Learning lessons from where things go well.**

The council recognises that it needs to understand where behaviours and relationships work well, and to use lessons from those experiences to inform its wider work.

For example:

- Officers and members might work together to develop and refine a policy, or decision, on a complex and politically sensitive issue.





- Officers and members might resolve a challenging problem that is affecting local people (or that joint working may simply be about ensuring a swift, comprehensive solution to a problem affecting just one person).
- Members might constructively hold officers to account on an area of service in a way that leads to positive improvement.

Members and officers should think regularly about where they have achieved results, at least in part, through positive member-officer relationships. These examples should be highlighted, through relevant Assistant Directors, to the Monitoring Officer for reporting into the ongoing monitoring arrangements for this Protocol. [insert link for contact]

## VII. Identifying and acting on where things go wrong.

There will be instances where there is disagreement between members and officers. This section provides a framework for resolving these disagreements.

The Monitoring Officer will put in place mechanisms to ensure that the effectiveness / success of the Protocol can be meaningfully measured. The Standards Committee, exercising oversight, may seek assurance from the Monitoring Officer on the effectiveness of these mechanisms. They may include:

- Ongoing employee and councillor surveys. Questions may focus on aspects like communication, collaboration, job satisfaction, and perceptions of leadership. Comparing results over time can show trends and areas of improvement or concern.
- Focus groups and interviews. These may use existing formal and informal spaces (such as staff forums) for evidence-gathering, and reflection.
- Workshops where attendees can work through examples of behaviour / interactions and discuss appropriate responses and outcomes.
- Observation of council meetings and interactions.
- Incident reports. Where problems occur (as set out in the section below) recording and analysis of measures taken to resolve the situation can be aggregated.
- Specific performance metrics. The Council recognises that measurable metrics will be difficult to find on some of these behavioural issues but may involve proxies such as a reduction in sickness absence, and a reduction in churn rates in both councillors and officers.

There will be instances where a member, or members, or an officer, or officers, consider that the terms and expectations of this protocol have not been met. This may be because:

- A member or officer's behaviour falls short of the expected standards. For example:
  - It is suggested that a member has sought to "direct" a member of staff to carry out their duties in a certain way, contrary to the scheme of delegation.



- It is suggested that an officer has deliberately misled a formal committee.
- There is a disagreement about respective duties, or responsibilities, that cannot be resolved by the individuals involved.

In resolving these issues, members and officers are expected to:

- Have regard to the principles, behaviours and expectations set out in this Protocol in finding resolution to problems where they occur.
- Where necessary, proactively draw in advice from others, in a way that is not seen as adding unnecessarily to the pressure on other people. For example, it might not always be appropriate if a member, dissatisfied with a response to a query raised with an officer, were to immediately approach the relevant chief officer to resolve the issue. It will be important for those who “own” the issue, and the relationship, to keep hold of it to find their own resolution where possible, rather than relying on others in more senior positions.

Where necessary, and where resolution has proven impossible, agree to escalate the matter to others to deal with.

## VIII. Breach of this Protocol

These arrangements form an important part of the Council’s governance framework. As with other parts of the Constitution, members and officers are under a duty to adhere to the expectations in this Protocol.

Where the behaviour in question relates to a member, the Monitoring Officer and relevant Whip should liaise to determine the seriousness of the issue and the nature of the sanction, or support, that should be put in place.

Where the behaviour in question relates to an officer, the Monitoring Officer and Director of People Services should liaise with the individual’s line manager to determine the seriousness of the issue and the nature of the sanction, or support, that should be put in place.

Usually, a failure to behave in a way that reflects the values and behaviours set out in this Protocol will result in informal action through the provision of further advice and training. This may include:

- The provision of words of advice from a manager, from a Whip, or from the Monitoring Officer.
- The provision of further training, learning and development. Specific material will be drafted and made available for this purpose.



Sometimes, a failure may be so serious that it warrants more formal action. These sanctions should be imposed in line with the terms of the Member and Officer Codes of Conduct and the Arrangements for dealing with standards complaints under the Localism Act 2011 (“the Arrangements”) [insert link]

As an example, they may include:

- In the case of members, disciplinary action within a political group. This may include removal of a member from a committee (or committees) or other similar sanctions.
- In the case of members, a prohibition on contact with a certain officer, a group of officers or all officers, for a defined period or indefinitely (subject to amendments being made to the Arrangements);
- In the case of officers, formal disciplinary action.

A pattern of behaviours that require repeated informal intervention may, cumulatively, lead to a situation where more formal steps, including those described above, need to be taken.

Some behaviours may be so serious that they demand that associated action be taken for safeguarding reasons, and/or that external bodies like the police be involved.



## APPENDIX 1

### **Key Roles and Responsibilities**

Further details of roles and responsibilities, including Overview and Scrutiny and other committees, are set out in the Council's constitution: [The city council's Constitution | Birmingham City Council](#)

#### **Members**

| <b>Role</b>    | <b>Responsibility</b>  |
|----------------|--|
| Leader         | The Leader is appointed by the Council, they can make changes to the cabinet member portfolios and appoint members of the cabinet.   |
| Deputy Leader  | The Deputy Leader can act in the place of the Leader when they are unable to act.  |
| Cabinet Member | Cabinet members have responsibility for different areas of the Council – their portfolios. The Executive (known as Cabinet) are decision makers, they will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under the Constitution. |
| Member         | All elected members representing the wards and the interest of their constituents across the City. Some members may hold responsibilities of sitting on decision making committees.  |

#### **Officers**

| <b>Role</b>                   | <b>Responsibility</b>  |
|-------------------------------|--|
| Chief Executive               | Head of the paid service.  |
| Deputy Chief Executive        | Can act in the place of the Chief Executive when they are unable to act.   |
| Monitoring Officer            | This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards Committee |
| Chief Finance Officer (s.151) | This role is responsible for ensuring the sound financial administration of the Council.   |



# Independent governance review

Produced for Birmingham City Council

## Main report

Centre for Governance and Scrutiny

November 2023

77 Mansell Street, London E1 8AN

[info@cfgs.org.uk](mailto:info@cfgs.org.uk) / @cfgscrutiny



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# 1. Introduction

1. In July 2023, the Centre for Governance and Scrutiny was selected by Birmingham City Council to carry out an independent governance review through a competitive tender process. The Council commissioned this work in response to a request by DLUHC.
2. The review’s purpose was to summarise key governance issues and assess current and planned action to respond to them with an aim to;
  - support the continued improvement of governance at Birmingham City Council;
  - help the Council provide assurance to a range of stakeholders (internal and external) that it has an understanding and grip of the governance issues cited in recent external reviews; and
  - has appropriate actions (current and planned) to address these issues.

It was designed to cover the following themes and areas of focus:

| Theme                                       | Areas of focus   |
|---|--|
| 1. Leading effective governance             | <ul style="list-style-type: none"> <li>• Clarity of vision and priorities</li> <li>• Understanding of roles and responsibilities</li> <li>• Culture and understanding</li> </ul> |
| 2. Enabling and supporting good governance  | <ul style="list-style-type: none"> <li>• Robustness of processes and practice</li> <li>• Support services and functions</li> <li>• Levels of assurance and compliance</li> </ul> |
| 3. Financial Governance                     | <ul style="list-style-type: none"> <li>• Capacity and skills</li> <li>• Financial management and budget oversight</li> <li>• Financial risk management</li> </ul>                |
| 4. Improving governance and decision making | <ul style="list-style-type: none"> <li>• Customer focus</li> <li>• Stakeholder engagement</li> <li>• Learning from external review and challenge</li> </ul>                      |

3. Since the work was commissioned the landscape for improvement at the Council has changed significantly. On the 5<sup>th</sup> September the interim Director of Finance (and Section 151 Officer) issued a section 114 notice. On the 19<sup>th</sup> September 2023 the Secretary of State wrote to the Council’s Chief Executive, notifying her that he was minded to intervene in the Council’s management through the appointment of Commissioners. Finally, on the 21<sup>st</sup> September 2023 the Monitoring Officer issued a section 5 report, which triggered a second Section 114 notice.
4. This report does not seek to provide a running commentary on these events. Instead, it attempts to understand the nature of improvement in governance at Birmingham through a focus on answering a comprehensive set of questions as set by the Council’s original specification.
5. Through exploring those questions, we have been able to identify both symptoms and root causes of the Council’s current governance challenges and chart a path towards improvement.

### About the people carrying out this work

6. The Centre for Governance and Scrutiny (CfGS) is a charity that provides support, advice and guidance to a range of public and private sector organisations on matters relating to local governance. CfGS has a particular specialist practice in carrying out detailed governance reviews and evaluations of local authorities in England, and in creating and helping to implement plans for improvement in councils experiencing failure or serious governance challenges.

### The structure of this report

7. This main report comprises a summary of what we have learned from our evidence-gathering exercise and is organised to reflect the four main themes that we have been asked to investigate.
8. The report supports a stabilisation plan – which focuses on practical actions that can be undertaken between now and April 2024, and which has developed by CfGS and the Council together.

### Acknowledgments

9. We would like to thank those people who we interviewed, one to one and in focus groups, for their frankness and candour.
10. We would also like to thank the Birmingham City Council officers who supported us in carrying out this work, during a period of exceptional unpredictability – in particular, Paul Clarke, Amerdip Kaur, Michelle Webb and Georgia Bough.



## 2. Methodology

1. This review was designed to investigate Council governance – the internal systems and processes which exist to support effective decision-making by members and officers, and the oversight of that decision-making. The review was not a general one of Council effectiveness. It was not designed as a broader exercise to explore the Council’s wider improvement challenges, although it is closely connected to that work. The methodology for the work has therefore reflected that focus.
2. Our plan for undertaking the work consisted of 5 stages:
  - **Stage 1 - Insight conversations** - initial orientation and diagnosis through insight conversations with a range of officers and members, and a detailed desktop review of evidence drawing from a wider range of internal and external documentation.
    - Over 80 conversations took place, either through one to ones, or in focus groups discussions.
    - Our desktop research involved looking at the external reports, evaluations and interventions that Birmingham has had in recent years (the most influential of these having been the Kerslake Review in 2014). We also carried out a review of plans, policies and processes and observations of council meetings. Documents included past and present improvement plans, internal procedures, as well as the agendas, minutes and reports and observing several recent Council meetings, via webcast
  - **Stage 2 - Governance journey mapping** - exercises for Oracle implementation, equal pay, housing improvement, and the Council’s approach to SEND. This has involved reviewing; the steps taken through the formal governance system, who has made decisions, and what information has been shared with members to facilitate the making of those decisions.

This exercise has not been a substantive review of the decisions themselves but an investigation into the specific governance issues involved in those matters. This stage also included developing a “theory of action”, which we explain in more detail in section 3.
  - **Stage 3 - Reviewing behaviour change** - exploring what change and any actions to improve, will look like. Informed by action learning activities undertaken with a range of officers and members. This involved the production of a “blueprint for change”, which reflects our theory of action and which is set out in section 3.
  - **Stages 4 and 5 - Improvement planning** - drafting of plans for improvement and their implementation.

### Triangulating evidence

3. We have gathered a large amount of evidence as part of this review. An important part of the exercise has been to triangulate this evidence. When someone told us something in an interview, or when we read something in a document, we have tried to find separate evidence (ideally, from multiple sources) to corroborate that evidence.

4. A lot of the focus of our work is on behaviour and culture, which means that a lot of the evidence relating to this is subjective – it is about people’s responses, reactions and perceptions of things. Just because a lot of people think something does not necessarily make it true. We have used our own judgement, based on a significant amount of research and through having carried out similar work in other councils, to reach conclusions about how evidence best fits each other.
5. In carrying out this work, we also have been aware that others are also actively overseeing work to stabilise and improvement governance at the Council.
6. The process of evidence gathering was, by necessity and design, limited to individuals within the Council. We expect that the planned “local inquiry”, being developed by DLUHC, will provide an opportunity to gather evidence from a wider range of local stakeholders.

The form that our recommendations take

7. We have worked with the Council to produce a stabilisation plan. This is presented as a separate document. It is informed by the theory of action and blueprint for change set out in section 5 of this report.
8. The Council is currently confronting several challenges that warrant strategic actions, tailored to two distinct timescales. We are proposing a structured, two-phase approach to navigate through these challenges:
  - **Stabilisation Phase:** Effective immediately until April 2024. The plan, set out in section 4, is focused on this phase.
  - **Improvement Phase:** Commencing post-April 2024. We consider that improvement activities for the medium and long term will need to be developed, over the coming months, as part of the wider exercise to build an Improvement Plan for the Council.

**Stabilisation Phase** (From now till April 2024): Ensuring Stability and Balance

This period is a period of stabilisation where the emphasis will be on the delivery of a balanced budget in 23/24, the preparation of a balanced budget for 24/25, and the agreement of that budget and a Medium-Term Financial Strategy.

There is also the need for the Council to develop and agree an Improvement Plan, which will need to be in place six months following the arrival of Commissioners.

Actions undertaken during this period will need to lay the groundwork for future improvements through;

- a. **Risk Management Reform:** Refine systems for identifying, managing, and escalating risks.
- b. **Enhanced Member Oversight:** Increase the precision and impact of member oversight practices to assure proportionality and focus.
- c. **Addressing Behavioural Issues:** Initiate strategies to challenge and rectify poor behaviours among officers and members.
- d. **Setting Cultural Foundations:** Begin instilling foundational shifts to pave the way towards an evolved organizational culture.

**Improvement Phase** (Post-April 2024): Charting the Path Forward

Active improvement at the Council – long term improvement – can only begin once the current crisis has been overcome. This is why our more extensive actions are ones that

we consider can only be taken in spring 2024. This is when the Council's deeper improvement journey will begin.

Both phases are integral to navigating through the current challenges and steering the Council toward a stable and improved future. This approach ensures that immediate pressures are managed efficiently while setting a solid foundation for consistent, long-term enhancement in the subsequent phase.

#### Clearance and accountability

9. We have shared emerging findings from this work with the Council at key points in the evidence-gathering process – usually at the end of each stage. Our findings remain our own. The Council, and people within it, have made no attempt to influence or change those findings, other than to correct errors of fact. Any errors that do remain are the authors' own.

## 3. Overview

1. This report is the product of an independent governance review into Birmingham City Council. It is focused on four specific areas, which we treat in depth in the next section.
2. Birmingham City Council is in an exceptionally difficult situation. The immediate challenge continues to be dealing with the shocks to its finances which emerged in the spring and summer of 2023. This high-profile evidence of crisis is a symptom of a wider and more fundamental set of issues around;
  - how decisions get made by the Council,
  - how members and officers work together to make those decisions and – critically
  - how information and insight is used to support that decision-making.
3. As it attempts to tackle these more fundamental issues, the Council needs to assure itself, and its partners, that it has the grip on the immediate steps that it has to undertake to act on matters on which previous governance issues have emerged, often through previous external reviews.
4. External assurance has in particular been sought on action to recover from issues highlighted in three main areas, into which we have conducted “journey mapping” exercises, intended to review how, in what form and by whom certain decisions have been made:
  - Oracle, where procurement of a new enterprise resource planning (ERP) system for the authority has suffered a significant failure;
  - Equal pay, where substantial new liabilities for the Council emerged earlier in 2023;
  - Housing, where significant, adverse regulatory findings from Government earlier in 2023 arose from failures in housing repairs, and in dealing effectively with complaints.
5. The extent to which the Council has been able to put in place arrangements to recover and improve these issues demonstrates its potential capability in tackling its wider improvement needs. We have therefore used these issues as case studies to inform our judgement on those wider issues, as well as determining whether adequate arrangements are in place to improve on these matters specifically. In carrying out this work we note that the Council’s external auditor Grant Thornton is undertaking its own review of some of these issues, and that the planned “local inquiry” instigated by Government is also planning an in-depth review on the same matters. As such, while our findings are informed by research into these issues, we are not presenting detailed standalone analysis on them.
6. Overall, the Council is aware of its weaknesses. It has been subject to a range of both corporate and service-specific reports and evaluations over the course of many years. In the main these interventions have had limited impact on the root causes of the Council’s governance issues. The Kerslake Review highlighted these weaknesses in 2014, and an Independent Improvement Panel (BIIP) was put in place by Government. This remained in Birmingham for just over four years, monitoring the council’s implementation of Lord Kerslake’s recommendations.
7. Birmingham’s current governance, and financial challenges have not been caused by any single issue. The impact of more than a decade of funding cuts has had substantial effects on the Council’s ability to adapt to new needs and realities. On its own, however, austerity cannot explain how and why Birmingham is in this critical position. Similarly, other factors, highlighted to us in interviews as key causes of the Council’s current situation, do not tell the

whole story. The Council's size, the failure to effectively implement Oracle, its lack of awareness of its equal pay liabilities, and its hosting of the Commonwealth Games are all relevant considerations – but no specific one of these present a root cause of failure.

8. Problems cannot, either, be put down solely to difficult relationships between the Council and trades unions, or tensions in member-officer relationships. All those issues, significant though each of them is, combine with others to create the very serious conditions facing the Council today. The multifaceted nature of the causes, and symptoms, of Birmingham's corporate governance failures make the Council's situation unique – this distinctiveness will demand a unique solution on governance stabilisation and improvement.
9. These issues we reflect are symptoms of a wider problem relating to governance and accountability – which, to date, remains largely unaddressed even though the Council, and others, have been aware of it for some time. It is at its core a problem of culture and behaviours – a failure of individual and collective accountability and responsibility.
10. The result is that the Council does not function as one organisation. While recent improvements in the capacity and capability of the “corporate core” have helped to provide a sense of common purpose at the top of the organisation, the Council largely continues to operate as a collection of individuals, and groups of individuals, holding motivations and objectives which sometimes align with the corporate interest of the authority, but frequently do not. Team working exists – and there is some productive, cross-cutting work in some areas. However, as a norm, there is not a “whole council” approach to identify priorities for the authority, to manage expenditure, to understand and manage risk, and to ensure that the right people are involved in decision-making and oversight, in the right way and at the right time. It has long been known that the Council has a “silo working” culture, and substantial work has been undertaken recently to strengthen the capacity and capability of the Council's corporate core. But more profound cultural, and behavioural, change is necessary for these efforts to be sustained.

### **What do we mean when we talk about the “corporate core” of the organisation?**

Much of this report focuses on the current and future role of the “corporate core”, or “corporate centre” of the organisation. For us, this means:

- Legal services;
- The finance team;
- Officers working in democratic services and scrutiny;
- Officers carrying out corporate, and corporate-facing, activity around:
  - project and programme management;
  - performance management;
  - equality, diversity and inclusion;
  - data and analytics;
  - community engagement, participation and consultation;
  - organisational development;
  - digital services (including attitudinal and culture facets to the Council and local people's relationship with technology, rather than operational ICT provision);
  - communications, both internal and external.

These functions should all be considered strategic functions of the authority, and as tools by which the Council can effect change.

Some of these services are provided within the Strategy, Equalities and Partnerships (SEP) Directorate. Our comments and recommendations should not be seen as a suggestion that

the Council should reorganisation or restructure these services, or that the only place that some of this corporate activity is – or should be – in the corporate centre. But these functions have a key role in supporting service departments to set and model effective behaviours and good governance – and in developing awareness and capability in these corporate issues themselves. Thereby embedding an understanding of these disciplines within service departments, rather than assuming that it is the corporate core's exclusive duty and responsibility to drive new behaviours in these areas.

### **Change is happening...**

11. There is an understanding that governance needs strong grip, and at pace, to improve. Arrangements are being put in place to bring about that improvement. There is progress on systems such as the prioritisation of work, and there is a stronger focus on the use of data and information to build the Council's corporate capacity.
12. Some of these improvements are recent, so have had little time to bed in – for example;
  - spend controls that have only been in place for a matter of months – and which will be temporary, meaning that the need to rebuild strong financial systems is critically important;
  - more effective ways of working for Corporate Leadership Team (CLT), which has adopted a more rigorous approach to performance assurance;
  - an improved framework of operation for both the Audit Committee and the Council's overview and scrutiny committees, which suggest a shift in the right direction but need to be further expanded and developed;
  - improvements such as to project and programme management at a corporate level, that have been in place for less than two years and are beginning to have some impact.
13. Many of the changes that we see happening are focused on the corporate core, and the upper levels of management in the organisation.
14. There is now better understanding that some of the historic issues, are deep and systemic – and are not solved with one big idea, one team or an isolated plan. Therefore, these recent, positive changes will all contribute to the next steps taken to stabilise, and improve, the Council's governance.

### **...But needs to go further**

15. As it stands, action to improve is only going so far. The Council currently lacks the capacity and capability to do more, and to do it more quickly, delivering the change that everyone knows is needed. The pressure to maintain council services in the here and now, in the face of immediate financial and other challenges, is taking up a substantial amount of headspace for councillors and officers.
16. This means, too, that the prospects for sustained improvement on the issues identified by our three journey mapping exercises is also uncertain. Credible plans exist for recovery and improvement. In another authority, and in another context, we would agree that they look credible and robust. We cannot point to deficiencies in how recovery plans have been designed and on the rigour of the management systems in place to provide oversight and accountability. In fact, we note that recent actions by the Council, led by CLT, to assert more grip over project and programme management, and on improvement overall, gives rise to an expectation that sustained improvement may be possible in a way that has previously eluded the Council.

17. But the general weakness in the Council's culture around improvement, and its limited capacity overall, cast doubt on whether those plans can be delivered without further action to change, and change fundamentally, the way that the Council operates. The same is true of the risk of similar significant problems occurring in the future. We have confidence that some of the most profound flaws in the management of issues relating to Oracle, equal pay and housing may have been mitigated had the Council's recently-established arrangements for programme and project management, and performance management, had been fully in place at the outset of those projects. But even so, problems with culture and attitude would still have placed their delivery at significant risk.
18. This is in part because the current structure and processes in place to manage stabilisation and improvement, and to facilitate good governance overall, are not sufficient. They do not take enough account of the challenges and complexity the council faces and, some of the poor behaviours, in respect of culture and practice, that surround aspects of decision making and oversight. Solutions will need to reflect how people, culture and processes interact. The Council, corporately, is beginning to understand this complexity and its ramifications, but has further to go. We have drafted a stabilisation plan which, we consider, reflects a realistic approach on what should be possible, and what is possible. This, and a wider blueprint for change, is informed by a "theory of action" on Council improvement.

### **The reality of today**

19. The Council has a range of overlapping cultures, some negative and some positive. We set out what we consider some of the most prominent to be in section 3 of this report. For the purposes of this overview we would set some of the key cultural challenges as being:

#### *Low levels of trust*

20. Trust, between members, between officers, and between members and officers, is low. The Council is beginning to understand the scale of the "organisational development" challenge that it faces, which may result in a sense of common purpose and direction. But there remains a deep-seated blame culture at the Council which limits frank, candid conversations about emerging risks, and which encourages an aversion to change. This blame culture is accentuated by poor behaviour across the board, and a lack of individual and collective commitment to basic principles of probity and good conduct.

#### *A difficulty in speaking up and about, and hearing, bad news*

21. Part of this is about the Council's history of information management. There is confusion and disagreement about who owns and "controls" data, and who controls what that data says. In a defensive culture, there is little incentive for officers to pass "bad news" up through the organisation, for members and more senior officers to consider and resolve. This has also hindered the Council's ability to meaningfully respond to external review, challenge and scrutiny. When bad news is escalated, its urgency is often diluted, and downplayed (by both members and officers), with the focus being to reassure the wider organisation (and external stakeholders) than to take clear actions to mitigate problems. The prevailing assumption is that risk can be minimised through increased activity – more reports, more meetings – rather than by the questioning of assumptions and bringing in a broader range of insights and perspectives into the decision-making process.

#### *Unproductive member focus on operational activity, which has developed into actively negative behavioural trends around member-officer relationships*

22. This tendency may be part of the reason why many members consider that they cannot trust officers to reliably report emerging concerns to them. But members also have a responsibility

to make their objectives clear and to specify the right ways that they expect to oversee and direct. As things stand, members' tendency to focus on operational detail means that they are absent from the strategic spaces that they ought to be occupying. It also creates an oppressive environment for many senior officers, who find that their freedom to carry out their operational duties is circumscribed by heavy member direction and oversight.

23. The situation connects with the practice of both officers and some members, past and present, circumventing the correct and proper approach to decision-making and governance by discussing and agreeing highly operational actions, out of the view of senior officers and in a way that acts in direct defiance of the constitution. While this practice is not widespread, it is a substantial presence, resulting in a confused decision-making atmosphere, and an environment in which basic standards (and conventions around roles and responsibilities) are significantly undermined. This is compounded by unorthodox formal systems for member and officer delegation in the constitution. It is further exacerbated by the poor relationship between the Council and trades unions, which we discuss in more detail below.

*Unwritten rules trumping corporate processes.*

24. For members, attempting to oversee large areas of council operation will be a frustrating experience. The Council has heavy processes, systems and policies around the management of performance, finance and risk – and for project and programme management. Governance systems around major projects are exceptionally vigorous and appear to contain many fail safes. However, these systems are inconsistent and are only as reliable as the data provided and the people who operate them. This has meant that some historic change and transformation activity has been unable to make a difference to underlying cultures and behaviours. Furthermore, that change activity has not engaged with the significant problems that exist on member behaviours, and member-officer relationships.
25. These problems have had serious consequences in the realm of financial governance, despite attempts to reassert grip on spending controls and to rebuild the control environment.
26. This reality – and the presence of the cultures set out in this section and in more detail in section 4.1 below – is what gives us doubt that the Council will, without further significant change, be in a position to meaningfully recover its position on Oracle, equal pay and housing repair. Quite apart from anything else, the scale of the Council's current financial challenge means that it has very limited capacity; dealing with one problem of this magnitude would be a challenge. The urgency and scale of all three present real difficulties.

## **Solutions**

27. It is telling that some of the challenges we have identified were also identified by the Kerslake Review nearly a decade ago – challenges which a wide spectrum of actions undertaken over several years were meant to have eliminated.
28. The solutions that the Council adopts will need to be ones that are framed around changes to culture and behaviours. This is because effective behaviours are key to good governance, and improvements to governance will not be possible unless and until those behaviours are addressed. For this reason our recommendations for change will be informed by the seven characteristics of good governance which form part of the CfGS/Localis "Governance risk and resilience framework".
29. Solutions will need to reflect Birmingham's distinctive context – as England's largest local authority, with delivery responsibilities, and service complexity, which is an order of



magnitude greater than most other councils. This report sets out what some of those changes should be.

30. We think that changes, when agreed and put in place, will be able to lead to a situation where a pathway to sustained improvement on Oracle, equal pay and housing repair can be found. This will not be about dramatically changing the structures and systems involvement in those plans for improvement, but changing the attitude, mindset and mentality of people across the Council in coming together to tackle what are cross-Council problems. This “whole council” approach is currently beyond the Council’s capabilities, but it is within the Council’s grasp, if the approach it takes towards the improvement needed is sufficiently meaningful.
31. The chapter below breaks some of our high-level findings down into more detail, ordered by each of the four themes we were asked to investigate.

## 4. Findings

This chapter is divided into four parts, each reflecting one of the four themes which we were asked to investigate. Our subheadings are derived from the specific questions that we were asked to answer in our agreement with the Council.

### 4.1 Leading effective governance

This part of our work looked at:

- Clarity of vision and priorities
- Understanding of roles and responsibilities
- Culture and understanding

#### 4.1.1 Clarity of vision and priorities.

1. The Council (both members and officers) have a strong sense of the authority's vision and priorities. The Council has a Corporate Plan and the usual systems for delivering that plan, against which performance indicators and delivery milestones (which form part of a Corporate Performance Report) are regularly reported to Cabinet, and other bodies such as scrutiny. The Corporate Plan is "mission-led" – it sets out six "grand challenges" that the Council is seeking to address and frames the response to those in the form of five strategic outcomes.
2. It is a clear vision, and an ambitious one. Our interview evidence has highlighted that Birmingham suffers from an optimism bias in how it goes about its business. It sets itself tough tasks – often based on a clear-eyed assessment of local need – but sometimes lacks the member and officer leadership, and organisational capacity and capability, to deliver those tasks. As a council, Birmingham finds it difficult to prioritise – in part because there is no clear sense of collective purpose within the organisation. Prioritisation involves making tough choices about what the Council can, and cannot, do. This is a strategic activity that should be, but is not currently, led by members.
3. In a council with a strong grip on prioritisation and focus, a mission-led model for identifying key priorities can provide a foundation for transformative change. Where this focus does not exist, the breadth and long-term nature of missions can make it easy to conceive of everything as a priority.
4. The Council is often unable or unwilling to make hard choices. Members are unwilling to make the strategic decisions that would provide clarity on priorities – officers are focused on day-to-day delivery of a range of complex services, and often lack the headspace and time for reflection that would allow them to make an active contribution to these high-level issues.
5. There is a strong sense, shared by many of our interviewees, that the organisation's focus, direction and vision had improved recently. In the past two years, the Council has undertaken work to enhance the capability of its corporate core. But, as we will go on to set out, without wider "whole council" action on change it will be difficult to effect transformation, and a rigorous approach to prioritisation, from the centre.
6. The Council's primary focus, as it stabilises its work, will need to be on ensuring safe, legally compliant and fairly delivered services to local people. This will need to be informed by the missions in the current Corporate Plan.

#### 4.1.2 Understanding of roles and responsibilities

1. A confusion in mutual roles and responsibilities between members and officers has led to an environment where responsibility and accountability have become diffuse. In this environment, individual and collective responsibility – the sense that key people hold specific duties within a governance framework that consistently assigns ownership and responsibility to the right people at the right time – are weakened.
2. This presents itself through:
  - **A lack of effective member leadership on high profile, business-critical issues.** In some cases, decisions are made, but are not stuck to by the Council as there may not be the right kind of member, or officer, buy-in at the right level. This has, historically, led to a degree of drift in some projects and priorities. For example, efforts to modernise and improve the Council’s finance functions and processes lost momentum after the Council secured its 3\* CIPFA finance rating; additionally, the embedding of culture change through the Council 2018-2022 Workforce Strategy was not followed through effectively. Now, the Council has in place more rigorous programme and project management functions within the corporate core, which have brought accountability and oversight to the highest profile work. In a more general sense, Cabinet meetings involve heavy agendas and many decisions, resulting in very little time being taken by members in interrogating the matters they need to interrogate. Meaningful strategic discussions have been largely absent – although we recognise that these do sometimes happen in more informal spaces. Importantly, where strategic conversations do happen, they seem to happen in a way that is disconnected from operational reality;
  - **A lack of effective member oversight on these issues.** In a strong and effective governance framework, we would expect to see the Audit Committee, the Standards Committee and overview and scrutiny committees collectively contributing to a culture of robust oversight – of member-led activity, and of officer-directed delivery to local people. We would expect strong Cabinet grip on these matters as well. While there is some evidence of forensic work being carried out by some members – and by probing questions being asked in some spaces – difficulties in the access and use of information by these bodies, and the scattergun nature of their work, minimises the impact of this important oversight, regulatory and scrutiny activity. Scrutiny committees, in particular, are not focused and co-ordinated in how they develop their work programmes – although there is evidence of good work, too much activity is poorly aligned with the organisation and the wider community’s needs;
  - **Poor quality member-officer relationships.** We were told by a large number of interviewees that “top table” relationships were poor. In some areas, and in respect of certain key statutory matters, member-officer relationships have functionally broken down, although action is being taken to arrest this trend. The situation has been exacerbated by the Council’s recent financial challenges, but there has for some time been a sense of mistrust between officers and members, even at the highest levels. We discuss this in more detail in the next section;
  - **Poor information flows.** Because the questions of “who has oversight”, “who leads” and “who decides” have opaque and inconsistent answers, it means that the clear management of information to support decision-making and oversight roles is not always present. Improvements have been recently made through the expansion in capability of the SEP Directorate (including the work of the Programmes, Performance and Improvement (PPI) Division), whose capacity has been augmented to exert grip on major

projects, and to put in place a more consistent and holistic performance framework. However, the Council's cultural challenges mean that:

- information gathered through these new mechanisms is not always reliable, or is of low quality, or are not the most pertinent metrics or measures
  - information gathered may tell only a partial story, which may be subject to an optimism bias on the part of reporting officers (see below);
  - where information is made available that presents a narrative that could be seen as negative, there is a risk that service departments or others with lead responsibility can explain this away. Where this could be challenged (for example, by members) often the skills and capabilities have not been in place that would allow the evidence-based challenge of these narratives.
- **Access to information by members is inconsistent.** Often, members do not receive the information they need in the right way at the right time. This is partly due to members not clearly articulating their needs and expectations and being proactive about those needs. It is also partly due to an unreasonable member appetite for large amounts of information on operational detail – and the use of that information as a way to attribute blame for perceived failure. This has led to a defensive attitude within the organisation about the way in which members are provided with information, and a tendency on the part of officers to want to control that information flow.

### 4.1.3 Culture and understanding

#### Cultures present in the organisation

1. There are multiple cultures in place at the Council. Many people, for example, told us about the presence and perception of a “blame culture” – something which the Kerslake Review identified in 2014 and which still persists. Some of the more negative cultures and behaviours are:
  - **A blame culture.** Where problems, or failures, occur, the fault for these failures are placed on single individuals. Where this coincides with these individuals leaving the organisation, it provides the Council with an opportunity to claim that, with the departure of those individuals, the problem has been resolved. More worryingly, the acknowledged presence of a blame culture can often lead to poor behaviour or conduct not being called out, because people do not want to be seen as part of the blame culture. This situation is exacerbated by the tendency to focus unduly on the individual accountabilities of key individuals, which we discuss below;
  - **Focus on the individual accountabilities of key people.** Key people – especially at corporate level – are seen as having unique individual responsibility and grip on matters of critical organisational importance. Exclusive personal ownership of projects and programmes is common. This attitude is seen as an important element of accountability, but it serves to load responsibility onto individuals when it should be recognised that a wide range of people hold collective and interdependent responsibilities – particularly for cross-cutting issues. This attitude also influences the role of Cabinet members. Cabinet members hold leadership on issues within their portfolio, but are generally less aware than they ought to be of the matters on which their colleagues lead, making the identification of cross-cutting issues more difficult. Overall this leads to a fragmented environment for political accountability. A focus on the capabilities and roles of a few individuals – particularly at senior member and officer level – removes agency and responsibility from officers working in service departments. It also creates problems for business continuity (and ownership of major projects over time), because when important individuals leave the organisation or change roles, progress can falter through lack of

leadership. Overall, this attitude has given rise to the impression that – if and when things go wrong – it should be down to the individual “in charge” to resolve those issues – working against the need for people in large organisations to collaborate. Finally, it serves to give the impression within the organisation that certain tasks and projects are simpler than they are (which connects to the Council’s optimism bias, discussed below);

- **A corporate core disengaged from services.** Birmingham is an unusually large council; its corporate core is proportionately smaller than that at other councils, despite recent investment. There has been improvement in the past two years, with the creation of a more dynamic corporate centre, particularly in respect of functions such as corporate strategy, performance, programme and project management. But the work of these services is significantly hindered by the disconnect between these corporate functions and the Council’s service departments. Service departments – and many Assistant Directors (ADs) – do not feel a sense of “whole council” responsibility – so long as their services are, in their view, being delivered well. There is little sense of mutual support – and challenge – to improve. We consider that the key strategic functions within this core will in some instances need to be retooled as “changemaking” functions, supporting and challenging the rest of the organisation to improve, and for this to happen will require a widespread shift in attitude that will be challenging to deliver;
- **Silo working.** The Council does not operate as an “organisation” in the sense of being a group of people with a shared purpose. Instead, it is a selection of individuals, and groups of individuals, with overlapping priorities and objectives. In recent months, the capacity and capability of CLT to recognise and grip these issues has increased, but the scale of the task is significant. It has been identified (by Kerslake and other external reports, as well as by the Council itself) that the authority operates as a collection of silos. It has been a central theme for a lot of recent change activity, including successive iterations of the Workforce Strategy.
- **Optimism bias.** We have noted that the Council – particularly when planning major pieces of work, and major projects – will undertake detailed planning and research in support of its plans for change. This often results in plans which are over-optimistic. The Council does not take account of external factors or the risk of unexpected issues in how it works, and consistently overestimates the capacity and capability of its staff to effect change. This means that swift improvement in services can be possible – and has been delivered in certain places – but that improvement often proves difficult to sustain in the face of other pressures. This attitude has proven particularly corrosive with regard to long-term, systemic pressures facing the Council, such as equal pay and Oracle;
- **The tendency to wish to control and minimise bad news.** This links with the Council’s optimism bias. As and when things go wrong, the prevailing attitude held by officers – and by members in leadership positions - is to reassure and minimise the presence of problems. This was a particularly visible feature of the Oracle implementation. Often, this is because people in positions of responsibility think, in good faith, that the situation can be recovered. When failure becomes impossible to ignore, the organisation quickly sets out a plan for improvement and recovery, designed to provide the organisation (and members in particular) with reassurance that the matter is being managed and controlled. However, this immediate move to demonstrate proactivity can prevent the Council considering the lessons it needs to learn from the experience. This attitude has contributed to members’ general mistrust of officers, and the information that officers bring them. It has been a feature in recent member interactions on Oracle, equal pay and housing, where members consider that previous officer advice has minimised the existence of problems;

- **Dismissive culture and behaviour around performance and finance.** All of the above issues influence and inform how the Council uses information on performance, finance and risk to inform its work. Corporately, there is a maturing understanding of the need for reliable and high quality management information – systems are in place to provide oversight over major issues. We think it likely that if those current arrangements had been in place historically, serious concerns around Oracle, and housing repairs, in particular would have been identified and arrested sooner. However, culture and behaviour in respect of performance, finance and risk still do not exist in a way that is supportive of those new processes. There should be greater consistency around the way that concerns on these matters from councillors and officers at all levels in the organisation are gathered, understood and escalated. Members have contributed to a degradation of the environment on these issues through a disjointed approach to their oversight on highly operational issues, which takes the organisation’s focus away from a more systematic, evidence-based view of performance across all the Council’s services. The poor quality of member audit has also contributed to an environment where there has been little meaningful member ownership of the Council’s financial challenges;
- **Lack of ownership and leadership on risk.** Members (including members of Cabinet and members sitting on the Audit Committee) do not understand, own, manage or oversee risk effectively. Some individual members are aware of the need for risk to be more central to their approach, but across the member cohort more generally this understanding is absent. While the authority’s corporate systems and approaches for assessing risk, and escalating concerns, have been poor, there has also been an lack of curiosity on the part of members on risk issues, and a lack of proactivity in articulating basic expectations of what members’ strategic roles should be in respect of risk management. In our view this connects to members’ overall tendency to focus on operational matters, without understanding the cross-cutting links between those matters that may reveal the presence of systemic risks. By acting in this way, the importance of risk as a strategic framework within which the authority can properly understand its pressures and constraints has become minimised;
- **A disregard for probity and ethics around the relationships needed for good governance.** This attitude is not nearly as prevalent as the others we have mentioned but is much more challenging. We have heard about significant member overreach into matters of operational detail – sometimes formally, and sometimes informally. In particular, we have heard credible evidence from multiple sources of individual members from across the Council seeking to directly instruct junior officers on the delivery and management of operational services, without the knowledge of more senior managers and in defiance of agreed priorities, in a way that significantly undermines the governance framework. We have heard that because of their personal connection to key councillors, some officers are considered “untouchable”, able to work and operate as they please – something which has caused huge problems for officer-officer relations. We have also heard that the relationship between the Council and its recognised trades unions is particularly poor – both because of challenges over equal pay but also a fundamental difference in assumption and attitude around the proper role that trades unions should have in the life and work of the authority, leading to substantially different practices around governance and decision-making in different parts of the council. We consider these comments credible because they came from a very large number of interviewees, spontaneously and without prompting.

2. There are examples of the presence of more positive cultures within the authority.

- **Self-awareness.** Most of those to whom we spoke had a clear sense of the Council's weaknesses. Individually, people could articulate those weaknesses and failures – and felt a sense of personal responsibility for them. The past few months seem to have been transformative for many individual attitudes – although we are in no doubt about the scale of the cultural and behavioural task ahead;
- **The beginnings of more meaningful cultures of collaboration.** Although much of the evidence that we have gathered has described an organisation that is atomised, in terms of attitude and behaviour, there are signs of internally-led cross-cutting working to achieve change. The members of CLT works better together, thanks in part to external support. Corporate systems are becoming stronger – although significant work is needed for them to more meaningfully inform work across the Council;
- **A will to improve.** The reality of intervention has catalysed a will to improve. In some councils at this stage on the intervention and improvement journey, a sense of fatalism can become dominant – and both members and officers can feel overwhelmed with the scale and nature of the needed change. At Birmingham there is a clearer sense of the need to improve, and a sense of hope about improvement. That hope must however be tempered with realism about the scale of the task ahead, and in particular the scale of the Council's cultural challenges – given the Council's optimism bias;
- **A commitment to local people.** There is a profound commitment on the part of both members and officers to local people. Part of the problem that the Council has experienced is that the Council has been trying to do a great deal to support local residents – its ambition has (as we note above) been palpable and the issue has been that it has lacked the capacity and capability to deliver on this ambition.

#### How these cultures have informed the relationship between the Council and trades unions

3. A significant barrier to good governance is the poor relationship between the Council and trades unions. The Council, corporately, is unable to manage these relationships. In part this is because at an operational level Council-TU links appear to operate as a variety of personal connections, rather than as formal Council-union dialogue. TUs' relationship with councillors, in particular, present a significant barrier in the Council's ability to take clear and consistent management action.
4. It is right that unions play a robust role in advocating for their members' interests and supporting them to exercise and articulate their rights as employees. However, it is not reasonable for trades unions to expect that they will play an active part in ordinary management processes, such as granular work on the development of job descriptions, and job evaluation. Previous attempts at service restructures have been derailed both because the Council and Unions relationships are so poor and because there has been an expectation from some quarters that TUs should be consulted formally on even the smallest changes, leading to inertia where important business change activity has needed to be carried out.
5. The relationship between the Council and trades unions is highly variable at both a corporate and service level. In recent years, structures for TU-Council dialogue have been put in place which are atypical for a local authority, and which impinge significantly on effective operational, managerial decision-making. Arrangements at both corporate and directorate level have seen an unusual breadth of TU involvement in a range of management decision-making.
6. More recently, the Council has sought to limit the operation of these structures and arrangements. The Council has recognised that TUs – although important representative bodies – are not a substitute for the need for management-led engagement with staff, particularly given that not all staff are union members. The Council has established separate

arrangements for staff engagement (with a particular view to engaging staff holding protected characteristics).

7. This is a rational and justifiable approach. It has however caused problems with the ongoing TU relationship. TUs see themselves as having been disenfranchised by a restriction in communication and engagement, which they see as limiting their rights to represent their members effectively.
8. In part, this is because the Council has been unwilling to formally articulate that it wants to redesign structures for TU consultation and engagement because it fears the response. This dynamic is closely connected to the erosion of the Council/TU relationship as a result of ongoing equal pay negotiations.
9. Many senior officers feel that trades union activists, or officials, subject them to sustained pressure, in some cases amounting to intimidation, on matters such as discipline, conduct and working practices, and that close relationships between unions and certain members are used to enforce this.
10. We have not seen evidence that this behaviour is led by or sanctioned by individuals in leadership positions in union branches, but we do consider these views to be credible given that some of this intimidation has happened at formal council meetings in a way that has been publicly visible, and also because these concerns were raised with us spontaneously by a broad range of officers.
11. We also note that there is a significant amount of fear on the part of officers in taking corporate or directorate action which could be seen as limiting the role and influence of TUs. This is, in part, driven from a legitimate worry that TUs will seek to use the connection they enjoy with some councillors to pressure officers to back down.
12. This situation is exacerbated by the fact that many individuals involved and active in TU campaigning, and as workplace representatives, have a long history of working at the Council. This gives them an operational advantage over managers, of which there has been a regular churn in recent years, with large numbers of interim staff leading to a disjointed approach the relationship. Lacking in confidence and in their own organisational memory, new and short-term staff in management roles find themselves at a substantial disadvantage in dealing with TUs with a significantly greater understanding of council processes and systems. This has caused frustration for TUs, who experience this churn in the form of a series of sometimes choppy and difficult relationships, providing little time to build a shared understanding of expectations before people move on.
13. Given the erosion of trust and climate of fear around Council/TU relationships, a formal reset of relationships is now the only way to meaningfully address the situation – a redesign of the structures present for consultation and engagement, and of other formal processes, informed by some of the broader work we mention in this report on culture and behaviour.
14. While this is pressing, we think it is unlikely to be something that the Council will be able to act on immediately – it is more likely that this fundamental reset can only happen in the context of the wider Improvement and Recovery Plan. A reset will have to be based on the principle that productive, transparent TU and Council collaboration on employment matters is critical, and that avenues of communication need to work properly and be well defined, without the operation of informal mechanisms for influence and direction that currently exist. A reset will also need to provide clarity and realism on where it is appropriate for the Council to consult TUs on its action, and where it is appropriate to engage and inform, and the difference between these three concepts.



### How these cultures have informed the Council's historic action on change and improvement

15. An important element of this review has been a consideration of how the Council has been able to act on external reviews – and to provide assurance to stakeholders on its improvement work.
16. We have in particular needed to understand these dynamics as they are likely to inform how the Council responds to our own findings and proposals for improvement. This is the reason why we have developed a “theory of action” – a description of how we think the Council currently takes action to change. This can be found in section xxx. The theory of action is built primarily on the cultural findings set out in this section.
17. The Council's action on change is often provoked by external pressure. In recent years, the Council has demonstrated a limited ability to recognise and act on risk and failure on its own terms. The recognition often arrives too late, and the Council finds itself in need of external assistance and direction in bringing about recovery.
18. When this happens, we consider that the Council has been good at embedding certain aspects of improvement – structural elements in particular – but has failed to take account of the cultural aspects that make that improvement stick. At times the Council really has improved – that improvement was not an illusion. However, the framework has not been in place to make that improvement permanent, and a redirection of corporate focus means that the prospect of sustained change, and the emerging good practice connected to it, slips away. We consider that this raises risks about the ability of the Council to take meaningful improvement action on Oracle, equal pay and housing repair.
19. This supports to us a view that the Council has engaged in improvement work in good faith, and has provided evidence to others in a way that fits with that behaviour. The Council has not corporately sought to mislead its internal and external stakeholders about the pace and nature of change. However, it has underestimated the sustained work that it needs to do in order for change to become fully embedded, and has interpreted temporary improvements as lasting change without considering the risks set out above.

### The Council's corporate values framework, and “best in class”

20. The Council does have a set of corporate values – but the cultural elements described above are deep-set, and work to eradicate them will need to be framed effectively to uproot them.
21. The approach that the Council has taken towards its aspiration to be “best in class” might provide part of the answer. The prevailing sense from interviewees was that the “best in class” aspiration was hubristic and reflects the Council's unrealistic ambition – an ambition that is now being tempered to focus efforts on ensuring that Council services are safe, compliant, effective and meet residents' needs. But in our view the value-led elements of “best in class” should – with amendment – remain. These involve the creation of new spaces for dialogue, communication and collaboration between council officers – cross-functional activity to increase awareness of other services, and corporate issues, across the Council. This offers a mechanism, already partially in place, for the Council to plan and deliver deeper and more meaningful cultural improvement.

### How things will need to change

22. The Council will need to begin work to reframe its values, and expected behaviours, in light of our findings.

23. We consider that a key mechanism to break down barriers and silos within the organisation will be the establishment of cross-functional teams formed of officers at different levels of management seniority and with different professional specialisms, to take forward early culture change activity. This is work that will feed into the Council's Improvement and Recovery Plan, and connects with our recommendation that the Council's "best in class" activity be retooled to focus on this stabilisation activity. It also connects with our comments on the EI&P Programme, on which we comment in section 4.4.
24. The Council has made attempts to establish such cross-functional and cross-directorate conversations before, most prominently as part of the 2018-22 Workforce Strategy. As with other ambitious measures on culture change, these efforts were not ones that the Council sustained, owing to a combination of the cultural issues we have explored earlier in the section.
25. Establishing these groups, and making them central both to the development of the Improvement Plan and the Council's ongoing service delivery, is in our view a crucial component of improvement within the officer cohort. We consider that, if understood and treated with the central importance that it deserves, and therefore sustained over time, the form of collaboration promoted through these groups will become a natural way of working.
26. This work will need to inform an understanding of behavioural standards held collectively by members and officers. We consider that work to develop a new Member-Officer Protocol can act as a starting point for a fundamental re-evaluation of members' and officers' roles, informed by a review of member attitudes being overseen by the Standards Committee. Both members and officers will need to make formal commitments to new ways of working.

## 4.2 Enabling and supporting good governance

This part of our work looked at:

- Robustness of processes and practice
- Support services and functions
- Levels of assurance and compliance

### 4.2.1 Robustness of processes and practice

1. Processes and functions at the Council are, generally, in place – but this demonstrates the mismatch between culture, "custom and practice", and the rules that the Council articulates to members and officers about how they should conduct their work. The level of dysfunction at the Council is evidenced by the gap between these processes and rules, and the extent to which they are – or are not – acted on.

#### Informal systems, including members' oversight and direction on operational matters

2. The overall accountability framework at the Council contains a mix of formal and informal systems. Informal systems sometimes complement, but often seek to subvert, the way that formal decision-making happens. We have been told that by multiple interviewees that back-channels exist by which members seek to influence operational decision-making – close relationships between members and junior staff result in members purporting to "direct" those staff in how they make operational decisions. We have been told that there is no understanding amongst those members as to the inappropriateness of these discussions and directions. This is surprising, because it seems fundamental that members should understand the basic principles that govern how they, and officers, should work together. The power dynamics involved in these "directions" places the obligation at the door of

members to change their behaviours. Such activities mean that formal governance systems are significantly weakened, as the exercise of proper, accountable systems for effective decision-making – especially those relating to delegation – are undermined.

3. In making these comments we recognise that it will often be legitimate for members to have an interest in the operational delivery of services. Birmingham's councillors represent a very large number of local people. Members are held to account by local people on operational matters, and on those matters it is correct that there be lines of communication to officers, to ensure that operational issues impacting on residents can be resolved, and that more systemic matters can be properly escalated. Dealing with ward issues, and constituents' concerns in respect of those matters, is fundamental to being a member.
4. The issue, then, is for these questions, concerns and issues to be managed effectively, rather than reliant for their resolution on two-way conversations on which others are not sighted. While there is currently a member enquiries system, it is not consistently used by members. It is likely that a more consistent, transparent and reliable system for member enquiries – a system that members can trust because they have had a part in designing it – will reduce the burden on members from community complaints and concerns, ensuring that those issues are passed to the right officer in the right way following a mechanism that benefits from proper management oversight. Such a system would also give other members confidence that officers are dealing well with members' concerns overall.

#### Control arrangements generally

5. Key processes are provided for in the Constitution, which follows the standard "model" constitution put in place by councils in 2000, with the necessary amendments and updates. The scheme of delegation in the Constitution is, again, fairly standard; the member code of conduct is the latest version of the LGA Model Code.
6. As is common with traditional Constitutions, readability and navigability of the document is difficult, and there are parts that have the potential to cause confusion. Drafted well, a constitution can provide a framework for consistent, well-understood relationships between key actors in the governance framework. Drafted badly, it will frustrate attempts to provide clarity and introduce uncertainty and duplication.
7. For this reason, although one of the main challenges with the Constitution is the extent to which it is meaningfully acted on – and the extent to which it is ignored, or sidestepped, when inconvenient – the document itself does need to be reviewed, and revised, to ensure that it can provide this framework.
8. As things stand – absent the Council's ongoing spend controls – we do not think that the Council can assure itself that expenditure is being made that conforms with the scheme of delegation of decision-making principles in the Constitution. In our view the practice noted in 4.1, of some operational choices, and decision-making, being "directed" by councillors, beyond the view of senior officers, means that it is possible that in the recent past some operational decisions have been made that have sat outside the budget and policy framework and/or which do not conform with the Best Value duty. This is an extremely serious matter, for which councillors hold responsibility, and on which the Council currently has no assurance. The control environment is such that, whatever the processes and systems in place may say, the Council cannot reliably assure itself that expenditure is being incurred appropriately. Section 114 spend controls will have brought a temporary halt to this weakness – but permanent remediation will need to be put in place.

#### **4.2.2 Support services and functions**

1. The Council's support and enabling functions form part of its corporate core, a part of the Council in which significant investment has been made in the very recent past. The stabilisation and improvement of the authority depends on this ongoing work to enhance the capability of the corporate centre to continue – allied with these functions of the Council being retooled to more explicitly act as “changemakers”, supporting and challenging the rest of the organisation to improve. Some of the specific support functions are described in more detail in the section below.
2. Building upon a foundation of limited capabilities, the Council has implemented new procedures for project and programme management, the utilisation of data and insights to bolster policymaking, performance management enhancements, and increased oversight and assurance in key governance functions.
3. The continued strengthening and integration of these systems are vital components of the authority's journey towards stabilisation and improvement. However, without a corresponding shift in the organisational culture, there is a potential risk of perpetuating negative, undesirable behaviours. We consider that attitudinal factors raise the risk of an “us and them” mentality arising in respect of the corporate core's relationship with the wider authority, which could be exacerbated where – as we recommend – the corporate core's role is more specifically recognised as a changemaking function.
4. The Council will need to take action to put in place new risk and information management arrangements, with an initial focus on member accountability. A more sophisticated understanding is needed of where gaps in information exist, and of the individual responsibilities of specific officers, and members, with regard to risks.

#### **4.2.3 Levels of assurance and compliance**

1. Assurance and compliance should be provided for through several mechanisms:
  - The work and role of the Monitoring Officer (MO). It is vital that the MO has the credibility and respect within the organisation needed to carry out their role. Birmingham's current MO is the eighth in ten years – reflecting a wider senior officer churn over that period, but still troubling from the perspective of the need for organisational memory on key legal and compliance issues. Across legal services, there is little capacity, which presents a significant risk factor for organisational stability and improvement, particularly in the face of the Council's substantial and complex work around equal pay. Statutory recommendations made by the Council's external auditor, and accepted by Council on 12 October 2023, proposed that the Council should commission an independent review of the process for receiving and considering legal advice. In our view this is a pressing requirement, given the Council's cultural challenges and capacity difficulties within legal services;
  - The work of the section 151 officer. The Council has a comparatively new, and interim, s151 who has been working to put in place more robust systems and arrangements for assurance since her arrival. This work has been hindered by the need to lead on remediation work for Oracle. There is still the sense that the “finance function” of the Council is a support service rather than as a strategic enabler, and notwithstanding the presence of spend controls, on the officer side, there is no sense of wider collective ownership of the Council's financial position beyond the s151 and CLT;
  - The work of the principal statutory officers together as a “golden triangle”. The position here demonstrates more strength than it has done in the recent past, but in the absence of a strong governance framework to back up the role of the golden triangle (the phrase used to denote the Head of Paid Service, Monitoring Officer and Chief Finance Officer of

a council), and visibility and respect for the formal roles of these individuals, their impact will be lessened. While necessary, we consider that the issuing of the s114 notices, and the s5 report, will have added to uncertainty at the Council about the role of the golden triangle, and their duties in respect of the authority's effective operation, which will probably need to be clarified (especially with members);

- The work of CLT. CLT is now working significantly more effectively, but suffers from the wider cultural challenges of the authority, in that its work to co-ordinate and manage delivery across the board does not reach down into the organisation as much as it should. It is still too easy for officers, including officers at AD level, to pay little heed or attention to CLT's work or priorities, even though those officers should have a sense of ownership through membership of ECLT (extended CLT). CLT is carrying out specific work on performance and assurance whose impact is, for the moment, limited. We consider this work, and the wider performance framework within itself, represents a strong foundation, but at the moment that the quality of the information within the framework, and organisational participation with it, means that it cannot function as it should. Overall, CLT's approach provides a model for different forms of behaviours amongst managers more generally, including a collective responsibility for probity and assurance;
- The work of CLT and Cabinet together. Cabinet should provide an important mechanism for the exertion of political accountability but the relationship between it and CLT appears poor, with no immediate prospect of improvement. It was in fact suggested to us by a number of people that Cabinet/CLT relationships is deteriorating. There have historically been wider "EMT" meetings incorporating Cabinet members and CLT, but these meetings have not generally been seen as effective – multiple interviewees described them as a space in which members were briefed, and informed, on work underway, rather than as spaces for active discussion on work and priorities. Individual Cabinet members have bilateral meetings – including assurance meetings styled as "Star Chambers" (monthly performance management sessions which began in around 2018, and which continue). However, aligned with the evidence we have gathered that Cabinet Members do not, in the round, have regard to Council business that comes under their direct purview, there is a question mark over the effectiveness and visibility of these bilateral conversations (and the degree of mutual challenge that takes place in those spaces). The nomenclature of these bodies is unhelpful if the Council is seeking to build a collaborative (though mutually challenging) atmosphere in which member-officer relationships can thrive;
- The work of member functions such as Audit (and, to an extent, the scrutiny function). The role and capability of the Audit function (comprising the Audit Committee and the internal audit team) is something that we cover in more detail in section 3.

2. Overall, these overlapping and mutually complementary arrangements should be described, and critiqued, in the Annual Governance Statement. Following review we have found that AGSs, over a number of years, are of poor quality; they do not accurately reflect the complexity of the Council's actual governance arrangements or engage with the cultural components of those challenges. The AGS appears to have been drafted as a desktop exercise without having benefited from the insight of a wider range of people from across the Council, and from year to year the content of the AGS seems very similar.
- 3 This reflects interview evidence we have gathered, where a small number of interviewees expressed concern about the quality of the AGS.
4. Apart from in the formal signoff of the document, there is no meaningful Audit Committee involvement in the preparation of the AGS, and the contents of the AGS do not appear to

have influenced or informed either the work programme of the Audit Committee or the programme of activity undertaken by internal audit. Neither have the contents of the AGS informed, in any meaningful sense, the content of the Council's risk registers or the risk heatmap. This is a significant failure in the Audit Committee's oversight role.

#### Member scrutiny as a mechanism for assurance and improvement

5. The Council's scrutiny function has a vital contribution to play to the stabilisation and improvement of the authority. As it stands, while the scrutiny function delivers some good work it does not provide the kind of critical oversight and contribution to emerging, complex policy issues (or the delivery of services subject to particular risk around performance and finance) in the way that it ought to.
6. An eight-committee model for scrutiny places Birmingham towards the top end when compared to other large authorities; if this structure is to be maintained there likely needs to be more focus on co-ordinating mutual work programmes, and in co-ordinating work between scrutiny and the Audit Committee. As is common in other authorities, there is not necessary a clear member-officer understanding on the role, priorities and focus of the scrutiny function, and its contribution to the governance framework more generally.
7. We consider that the scrutiny work programme should be reframed to focus on the Council's stabilisation priorities. This will not involve the need to revisit the entirety of the current work programme – we recognise that there is critical ongoing work that must continue. But the Council will need to move to ensure that scrutiny is able to play a central role in assurance on improvement alongside the other mechanisms we discuss above. In particular, we think that scrutiny will be able to play a valued role in:
  - Oversight of delivery of “life and limb” services such as children's services and adult social care;
  - Analysis of critical performance issues emerging “by exception”;
  - The consideration of equality and equity issues arising from the development of the Council's developing financial plans;
  - Wider plans for cultural and behaviour change, bringing challenge to the authority's aspirations and capabilities on this major area of priority.
8. A separate review is currently underway to modernise systems and practices in Scrutiny and Committee Services, which will help with these objectives.

### 4.3 Financial governance

This part of our work looked at:

- Capacity and skills
- Financial management and budget oversight
- Financial risk management

#### 4.3.1 Capacity and skills

1. The finance team still lacks the capacity and capability to act as an effective enabling and control function for the Council. The finance team should not be expected to perform this role alone. Officers in service departments should recognise their collective responsibility for action on finance, and there should be a mutually supportive atmosphere that recognises that prudent spending and the careful management and oversight of public funds is everyone's duty.

2. At the moment, this is not the case. It means that the finance team have, in recent years, been expected to perform an almost impossible task – shouldering the burden of responsibility for financial governance for the bulk of the organisation that does not take those responsibilities especially seriously. This is reflective of the cultural challenges across the authority that we highlighted in section 1.
3. The Council was subject to a review of its financial governance by CIPFA in 2021, when the Council received a 3 star rating. CIPFA concluded that financial governance had improved substantially since they reviewed the Council in 2019, when the Council was given a 1 star rating.
4. This judgement reflects Birmingham’s success – and failure – in “managing” external oversight in recent years, by being able to successfully undertake action that looks very like change and transformation without that activity having any meaningful impact on the way that the organisation functions. We consider that this activity has happened in good faith – officers and members consider that improvement is happening, and in some instances, improvement does begin. However, the organisation’s ability to sustain that change has been limited by some of the deep-set cultures and behaviours that we have mentioned, and by the Council’s failure to commit the resource and effort needed to sustain change in the long term. In particular, it reflects an environment in which member direction and oversight is absent from these spaces, and so progress drifts; it connects to members’ lack of ability to focus on strategic matters, of which this is one. In addition, systems that have been built around the Council’s control environment have obscured the Council’s extremely challenging financial situation for some years, despite external auditors having periodically flagged their concerns.
5. The 3 star rating was a major target for the Council, which invested a significant amount of time and resource in financial governance improvement and transformation over the course of 2020. Despite its significant corporate and strategic importance, this work seems to have been managed and led entirely by officers, in particular the then-s151 officer, without significant member direction and oversight. The focus on 3 star status did, in our view, distract the Council from a more holistic focus on a “whole council” approach and attitude to finance, and embedded the idea that responsibility for financial governance sits with a comparatively small function sitting in the corporate core. This will inevitably have influenced planning assumptions about corporate capacity, and about the skills mix necessary to providing financial support across the organisation.
6. From a capacity and capability perspective, evidence we have gathered leads to serious concerns about the internal audit function, as we set out in more detail below.

#### **4.3.2 Financial management and budget oversight**

1. As a whole, the organisation has little sense of its expenditure, or its overall financial position. Reports have frequently come to Cabinet (most notably in respect of Oracle) to authorise large amounts of additional spending without any sense of how it contributes to the organisation’s priorities or to the improvement of services. The volume of decision-making reports submitted to Cabinet and the lack of meaningful oversight either at Cabinet or Audit on financial issues combine to create an environment where the visibility of core elements of the budget, and its delivery, are not visible to members. This is not helped by the variable quality of reports prepared by officers to support decision-making. Reports on the council’s financial position, and financial monitoring information provided (particularly to Audit, in the form of monthly monitoring) is inconsistent in content.

2. This is particularly surprising, given the fact that in 2018 the authority was in a financial position widely acknowledged to be challenging, and from which it thought it had recovered. Since then officer reports have sought to reassure members of this strong recovery of the budget position and of a new rigour in financial management.
3. Weaknesses in budget oversight have become apparent given the Council's introduction of spending controls. At the time of writing (November 2023) the Council has a substantial task to develop an emergency budget to save, in year, a total of £87 million. To pass a credible budget with this level of savings will require a fundamental redesign and reprioritisation of certain key services, in a manner which the council has not been able to previously accomplish through numerous attempts to find savings. Challenges in accuracy of financial information cast doubt on the authority's ability to manage budgets with this degree of grip, even taking into account the spend controls currently in place.
4. External auditors submitted a set of statutory recommendations to the Council, which were considered at a meeting on 12 October. These statutory recommendations reflect external auditors' findings on a number of weaknesses associated with financial management. The Council will need to ensure that action on these recommendations integrate with wider plans on governance stabilisation and improvement.
5. An urgent task now exists for the Council in putting in place robust arrangements for the development of the 24/25 Budget, and the MTFs. In particular, member oversight of those plans is important. Steps have been taken to put in place a Budget Task Group, as part of the scrutiny function, but in our view further work needs to be done with all members.
6. In particular, arrangements for 24/25 will need to be designed in the context of the need for members to test the resilience and reliability of the Budget itself – and to identify and bring scrutiny to the most critical areas where savings are planned.

### **4.3.3 Financial risk management**

1. The Council is minimally aware of emerging risks – either on finance, or more generally. There is a risk management framework, and the corporate core is developing more capability to secure timely information about performance and risk. But those systems are not yet as reliable as they could be. Without a corporate mindset about where and how matters should be escalated, and the candour that should accompany that escalation, corporate “grip” feels like it will be difficult to achieve.
2. Much of this is about the rigour, or otherwise, of systems to escalate complex, cross-cutting risk – which is far less visible to the authority than risk to services operated by departments. The organisation lacks of capability to analyse and effectively “treat” / mitigate these cross-cutting risks because of its comparatively weak corporate core – hence equal pay and Oracle only, suddenly, appearing as very high/severe risks on the corporate risk “heat map” midway through 2023.
3. The Council will need to take steps to revise the risk management framework of the authority, and to raise the profile of risk issues amongst members.
4. Effective risk management begins with members. Along with Cabinet, which holds a role in leadership, the Audit Committee should be an important mechanism for the Council to use to manage its exposure to financial risk. However, the committee lacks the capability and capacity to carry out its work properly. Members do not understand how to challenge the content of reports; reports themselves are generally of poor quality, and are not drafted on the basis of an understanding of Audit's regulatory role. There have been some recent attempts to address some of these challenges, but more needs to be done.



5. The internal audit function is unable to support the Committee to carry out its regulatory role, and is also unable to carry out its own responsibilities effectively. The activities of internal audit, in providing assurance, seem disconnected from other Council functions, suggesting a lack of corporate leadership and direction on the function and its place in the governance framework overall. As it stands, audit planning (although purportedly based on risk) does not seem to engage with the wider performance, finance and risk escalation/exception framework being built by the Council, particularly around the oversight of major programmes.
6. The need for work to support the improvement of the Audit Committee is seen as urgent. Ongoing work by the Council's external auditor will inform this activity. However, we consider that the committee will need to offer immediate support to the Council's stabilisation. The imminent revision of the committee's terms of reference, with regard to CIPFA standards, is an important element of this but only a first step.
7. The committee will need to work to identify some of the principal strategic risks that the authority holds on finance and on governance, and to consider plans to mitigate those risks. It will also need to oversee the development of systems to identify new, emerging risks – and a new methodology for internal audits.

## 4.4 Improving governance and decision-making

This part of our work looked at:

- Customer focus
- Stakeholder engagement
- Learning from external review and challenge

### 4.4.1 Customer focus

1. The Council is able to deliver a wide range of services to a city that is demographically, culturally, socially and economically extremely diverse. This review has not investigated the quality of service delivery in depth, but has sought to understand the way that the Council engages and relates to customers by having regard to its actions on housing repair. We have also looked at the Council's approach to improvement around SEND services. While there has been serious and recognised failure in both of these services, making an assessment about where and how the risk of failure exists in other service areas of the Council sits beyond the purview of our work. Given the way that internal systems relating to performance operate, and our concerns about the cultures and behaviours that sit around those systems, it will be difficult for the Council to understand where the risk of failure might be present.
2. The Council is moving away from a position of regarding its citizens primarily, or partly, as "customers". Recently it has developed an Early Intervention and Prevention (EI&P) Programme, which has sought to radically shift the Council's operating model to one that is more focused on empowering local people. The EI&P Programme is extremely ambitious, pointing towards a wholesale shift in culture and approach at the authority towards one focused on prevention and proactive change – this, in turn, is focused on having a more acute sense of local people's needs, and ensure that the organisation is capable of understanding how those needs develop over time.
3. A new approach to what might be described conventionally as "customer services" is one element in this wider plan.

4. EI&P is still in the early stages of development and implementation. Its business case was only agreed by Cabinet in April 2023. While it has the potential to make transformative changes to the Council's approach to local people there remains the risk that the wider cultural challenges identified in our report will limit its impact, as they have limited the impact of other change programmes.
5. We consider that further work on EI&P – which may need to be reprofiled in line with the Council's current challenges – presents an opportunity to shift the Council's approach to local people, if aligned with wider culture change activity. It is likely that this realignment will need to occur during the period that the Improvement Plan is being developed, with the EI&P Programme subsequently dovetailing with that plan.
6. While – handled productively – this sets a positive direction for the future, it remains the case that existing performance programmes highlight historic deficiencies in decision-making in instances where the Council has had little to no understanding of local people's needs and concerns.
7. The Council's approach to housing repair is a useful case study for an approach to customers/citizens that has sought to elide emerging problems rather than to understand and address them. This is despite repeated reports being submitted to scrutiny committees, in particular, on customer complaints, housing repairs, and complaints on housing repairs specifically. Performance issues have a long history (failures on Decent Homes, identified in the Government's Regulatory Notice of 24 May 2023, will have been of long standing) but headline data provided to members focuses on volume and throughput of complaints and repairs rather than quality.
8. This is suggestive of an environment in which the main objective was to create data showing improvement, rather than addressing improvement needs themselves. The quality of this data (as presented to formal council committees, particularly during the period 2018 to 2022) should have sparked concern at senior levels and should certainly have provoked more, and more detailed, questioning by councillors.

#### **4.4.2 Stakeholder/partner engagement**

1. Partnership working at Birmingham is in a state of flux. Some partners see in the Council an institution that wants to partner on its own terms, and that does not necessarily live up to its promises. There is worry and concern about the Council's current political and financial position and the impact that is having on the wider city.
2. Some of those to whom we spoke felt that the Council has retreated from the partnership space, with the Combined Authority now more active as a "placemaker" and partnership convenor for the city. We do not think that this is the case, but the presence of the perception raises risk that the Council does not see strong, effective partnership working as part of its future, and as a key mechanism for it to stabilise and improve its services.
3. The Council is aware that it has work to do to rebuild its relationships and is currently actively engaged in activity to do this. A programme of work is being implemented to understand partners' needs, roles capacity and capability. Partnership engagement infrastructure is also being developed to strengthen the Council's approach.
4. However, these arrangements do seem quite officer-led. Although some members are active in the partnership space, they are not at strategic level. There is in any case a mismatch between the quality of relationships at strategic and operational level.

5. We consider that these activities will need to quickly evolve to incorporate member leadership on partnership, and to wider consideration of how active partnerships can contribute to service redesign. We consider that the role of partners will be pivotal to the Council's improvement, and expect that this work will therefore feed into the Improvement and Recovery Plan.

#### **4.4.3 Learning from external review and challenge**

1. The Council has experienced oversight and support from a wide range of external bodies over the course of more than a decade.
2. The way that the Council has, and continues to, respond to this external pressure and provocation to change is part of the reason for its failure. Since Kerslake, the Council has developed a strong capability in building formal systems to present itself as strong and well-governed, without those systems having any meaningful impact on the way that the authority has been run.
3. We have looked at a number of examples of external review in carrying out this work – interventions from the external auditor, from the Local Government and Social Care Ombudsman (LGSCO), from the Housing Ombudsman, from Kerslake, from Government, from the Birmingham Independent Improvement Panel and from others.
4. The evidence we have gathered suggests that the Council has been good at embedding certain aspects of improvement – structural elements in particular – but has failed to take account of the cultural aspects that make that improvement stick. At times the Council really has improved – that improvement was not an illusion. However, the framework has not been in place to make that improvement permanent, and a redirection of corporate focus means that the prospect of sustained change, and the emerging good practice connected to it, slips away.
5. This, in our view, accounts for the views and opinions of a range of external actors who have, at various points, satisfied themselves that Birmingham was making the changes that they expected. The Council was, but did not have the capacity and capability to sustain that work. This is, we consider, a unique set of circumstances which has not presented in this manner in other councils which have failed, and which presents a real challenge to current efforts to stabilise and improve the authority.
6. We consider that this presents risk factors for improvement in current high-profile issues such as Oracle, equal pay and housing.

## 5. Theory of action and blueprint for change

We and the Council are setting out a **stabilisation plan** for the Council that focuses on practical actions that can be undertaken between now and April 2024. We have chosen this timescale because:

1. The Council is obliged to produce a longer-term Improvement and Recovery Plan by April 2024. The Stabilisation Plan will help it to get there, without pre-empting the content of the Improvement Plan ;
2. The Council has three major structural/organisational challenges between now and April 2024 – the preparation for a major organisational redesign, the agreement of a balanced budget for 24/25, and the delivery of a balanced budget for 23/24. The immediacy of these connected challenges requires a practical response that will help the Council, now, to put in place the short-term governance improvements both to manage those challenges, and to lay the foundations for a longer-term and more considered response to the Council' broader strategic pressures;
3. Over the next six months there is inherent uncertainty, and instability, around the ongoing roles, responsibilities, functions and bandwidth of key individuals, which means that the Council's capacity and capability to take forward improvements has to be a key factor in the design of any plan. Given this uncertainty, a short horizon is justified.

The stabilisation plan has been developed by us and the Council together – reflecting the fact that the authority must have ownership of the process that follows.

To ensure there can be a transition between the stabilisation plan, and a longer-term plan for governance (which sits as part of the Improvement and Recovery Plan) we have created a blueprint for change. This blueprint informs our stabilisation, and also suggests the basis on which meaningful, long-term culture and behaviour change for good governance can be made.

### 5.1 Theory of action

The blueprint for wider change is built on our “theory of action” for the Council. This can be summarised as follows:

- **The Council is good at undertaking action that looks like change**, in order to demonstrate to itself and to external stakeholders that it is improving. It carried out this work in good faith, with the active intention to improve, **but often lacks the sustained capacity and capability to deliver improvement that is anything more than temporary**. This is because improvement and change action tends to focus on structures and process, rather than shifts in behaviour;
- **The Council has some corporate capacity, but it remains very limited**, and limits the authority's capability in delivering more cross-cutting, complex projects, particularly ones that are aimed at delivering sustained changes in behaviour. There is therefore a limited extent to which corporate activity can influence change at the Council;
- **There is low trust** throughout the organisation, **making collaborative working difficult**, particularly on corporate priorities that do not connect directly to a visible, tangible service delivered to local people. A low trust environment is ;

- Beyond the corporate centre, **there is little sense of a “whole council mindset”** at the authority, which means that actions agreed and taken forward centrally often end up not being effectively actioned, because they are treated as a low priority by the rest of the organisation. This is as much an issue of member leadership and prioritisation as it is about officer working practices;
- **Optimism bias** has been a persistent feature in how the Council undertakes corporate activities, which is understandable for motivating and setting a clear direction of travel. However, its dissonance with officers’ and members’ experiences means that it leads to assumptions that centrally-directed plans for change have a greater impact than they do, or than is possible;
- **Individuals at the Council are self-aware, but institutionally, the Council is not** – this leads to a lack of predictability in how action to change is managed and delivered.

## 5.2 Blueprint for change

To achieve the deep and long-term change required, the Council needs cultural, and behavioural shifts, and intentional actions that actively disrupt the current ways of working.

### 5.2.1 Prerequisites for cultural change

Cultural change:

- will need to be built on the creation, and revision, of existing structures, systems and processes – for example, formal roles and responsibilities for members and officers as set out in the Constitution and elsewhere, information access and sharing arrangements for members, the remit and terms of reference for key officer functions in the corporate core, and so on. While getting these structures and systems right is only part of the story, they are important in providing a clear and consistent framework within which better relationships and behaviours can be built. Our stabilisation plan is focused on building up these foundations;
- will need to be informed by an understanding that the Council needs to fundamentally reappraise itself – what it considers important (and what it understands of what is important to local people) – and how it values and uses the (limited) resources at its disposal, including things like the value of individual officers’ time through meetings, makework etc;
- will need to be centred on a set of consistent, universally-applied values, with clearly explained behaviours, which are practically understandable, and understood, in terms of people’s day to day work. These will need to be focused on the creation of approach which can deliver strong internal challenge to practices, behaviours and performance – peer-led activity that is supportive and constructive, and that breaks through the Council’s prevailing blame culture This set of values will need to derive from several sources:
  - What we have learned about the cultures already prevalent in the organisation, as we have set out in our main report;
  - Our articulation of those cultures, in the form of our “theory of action”;
  - The Council’s existing “best in class” values and behaviours, which, amended, can form the basis for this new model of working;

### 5.2.2 Dependencies for culture change

Culture change will sit alongside, and will be facilitated by:

- The Council’s forthcoming organisational redesign;
- The development of the 24/25 Budget. There are aspects of this process that we consider can act as a testbed for wider cultural change;

- The development, and implementation, of the Council's Improvement Plan. This, too, can provide a way of testing approaches to change;

### **5.2.3 Facilitating and resourcing culture change**

Initiatives – for which foundations are laid in our stabilisation plan, but on which further action will be needed in the development of the Improvement Plan – will need to take action to:

- Articulate what new / evolved values and behaviours for the Council will be, informed by action learning (delivered through cross-functional teams and communities of practice which, while set up for this purpose, we expect will become a permanent part of the governance ecosystem);
- Make arrangements to cascade understanding and action on those issues through work on member conduct, staff appraisals, the development of the Annual Governance Statement and, in particular, expectations around financial governance. On activity of corporate importance, this will involve making responsibility, and ownership clear across the Council – ie, that individuals in service departments have an equal responsibility for delivering against corporate priorities

We consider that in the short and medium term the best way to do this will be to create cross-functional teams and communities of practice between officers across the organisation to:

- carry out action learning activity, which will build, and take forward, the wider culture change activity which we talk about – to build and sustain a broader sense of ownership of this work;
- take forward cultural change activity in the short term, including assuming a degree of ownership and leadership for some of the activities set out in the stabilisation plan;
- review past practice – including the findings from our report – to take an active 'lesson learned' approach, reflecting on what worked and what hasn't worked, and drawing on recent performance and delivery challenges within services. This will help to further understand symptoms and causes of issues and any successes, and will identify models and approaches for improvement. This will add nuance to our overall findings and make them more real for service areas.
- Bring constructive internal challenge by creating an environment of listening and challenge which, because it is managed in a structured and predictable way, will help to break down blame culture.

The Council already has plans and arrangements in place – though not universal, and comparatively new in nature – for cross-functional teams and communities of practice on key areas of work. While similar mechanisms have not worked in the past, we consider that their use alongside a wider programme of cultural change – and founded on a strong foundation of structural renewal – offers the best prospect possible for meaningful and sustained improvement.

### **5.2.4 Extending and embedding culture change**

We consider that wider organisational development plans – currently planned – will help to facilitate the embedding of these changes. The contribution of internal and external communications functions will also be crucial. This is not just about broadcasting messages about new expectations from the corporate centre, but facilitating a more meaningful dialogue focused on learning from experience.

- Internal communication will be critical, in order to:
  - Explain the overall process of change;

- Highlight and explain the expectations of change for all staff and members – through clearly articulated values and behaviours which are consistently applied at all levels of the organisation, and which apply equally to officers and members;
- Support dialogue, in particular action learning conversations;
- External communication with partners will also be critical – particularly with the Council’s partners, who have an important role to play in support the Council’s improvement, where the Council is able to bring both humility and strategic intent to these relationships;
- External communication and dialogue with the public will be an important part of a blueprint for improvement. Although these conversations can only meaningfully start once the council has done more to stabilise itself

### **5.2.5 Limiting tolerance for deviation from new norms**

The blueprint for change will also need to be typified by an internal, institutional intolerance for actions that are misaligned from these objectives. There needs to be an understanding that this will be difficult, that there will be disagreements, and that this approach will make the organisation a poor cultural fit for staff who have become used to different ways of working. This drive will need to be leavened with positive dialogue about the benefits of new behaviours, otherwise poor behaviours will persist, but will be hidden from corporate view.

# Governance Stabilisation Plan

Birmingham City Council  
and Centre for  
Governance and  
Scrutiny

November 2023





# Governance Stabilisation Plan

This Stabilisation Plan sets out recommendations and immediate actions which will be taken to support the short-term stabilisation of governance at the Council. These address governance and cultural issues identified by the Centre for Governance and Scrutiny’s (CfGS) review of governance in the Council and have been jointly developed by the CfGS and the Council. These actions will be implemented immediately while actions for longer-term improvement are developed further and incorporated into and monitored through the overall Improvement and Recovery plan. A scrutiny task and finish working group will commence in January 2024 to monitor the implementation of the Stabilisation Plan and assess how the Council uses the CfGS’ report to develop the Improvement and Recovery Plan.

The implementation of this Stabilisation Plan will be supported by officers from across the Council. This is the only way to deliver a “whole council” mindset on improvement. Much of the work set out in this plan will engage with the Council’s Governance and Assurance Programme, which has already been partially deployed.

| CfGS Recommendation  | BCC Response – current, planned, or proposed activity   | Key Deliverables within 6 months (June 2024)   | Accountable Officer  |
|--|---|--|--|
| <p><b>1. Refocus corporate attention and priorities on ensuring safe, legally compliant, and fairly delivered services to local people</b></p> | <p>Review of the Corporate Plan in context of the financial position and improvement and recovery plan (IRP) priorities.</p> <p>Review/refresh key performance reporting to better reflect compliance and vital service delivery, in tandem with broader governance work streams.</p> <p>Practical steps taken to introduce the wider organisation (members and officers) to prioritisation and effective performance management. Scoping further activity for the Improvement and Recovery Plan.</p> | <p>A draft new corporate plan with clear links to the IRP.</p> <p>Performance information (and other management information) used by CLT and Cabinet to set strategic direction and respond to issues.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p> | <p>Director of Strategy, Equality and Partnerships</p> <p>Assistant Director, Programmes, Performance, and Improvement</p> |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)  | Accountable Officer   |
|---|--|---|---|
| <p><b>2. Begin work to reframe values and expected behaviours</b></p> | <p>Give consideration to adapting the “best in class” framework so it forms the basis of a service reviews undertaken as part of the Improvement and Recovery Plan, ensuring a focus on culture and values and the essentials of good service delivery.</p> <p>Improvement &amp; Recovery Plan to include workstream on cultural change activity which is informed by CfGS blueprint for change.</p> <p>Appraisal arrangements will be aligned with the Council’s corporate priorities and embedded at all levels of the organisation.</p> <p>New values and behaviours framework developed aligned to organisational redesign activity.</p> | <p>'Culture and values' embedded into approach agreed for service reviews.</p> <p>New appraisal, values &amp; behaviours framework rolled out across the organisation.</p> <p>Improvement &amp; Recovery Plan will be in place, with focus on culture &amp; behaviours.</p> | <p>Director of Strategy, Equality and Partnerships</p> <p>Assistant Director, Programmes, Performance, and Improvement</p> <p>Director of People Services</p> |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity   | Key Deliverables within 6 months (June 2024)   | Accountable Officer  |
|---|---|--|--|
| <p><b>3. Develop and publicise a set of baseline behavioural standards for members and officers</b></p> | <p>Development of a new Member-Officer Protocol (further to constitution review)</p> <p>Develop / define model behaviours that that will help support the delivery of the new Officer/ Member protocol.</p> <p>Standards Committee to consider a review of member attitudes relating to member/member and member/officer interactions.</p> <p>New guidance to members on the Code of Conduct</p> <p>Ensure the regular Group Leaders' meetings with the Chief Executive, Section 151 Officer and Monitoring Officer focus on Forward Plan matters, critical business issues and wider stabilisation and improvement matters.</p> <p>Scope and develop a programme of action on member-officer relationships as part of the Improvement and Recovery Plan development.</p> | <p>New Protocol is understood and is guiding Members and Officers resulting in greater confidence in one another.</p> <p>Member Attitudes/ Interactions Review has commenced.</p> <p>Members have signed up to the Code of Conduct.</p> <p>Improvement &amp; Recovery Plan has a workstream focussed on member-officer roles and relationships</p>             | <p>Interim Monitoring Officer</p>                            |
| <p><b>4. Review the Constitution</b></p>  | <p>Undertake an immediate legal compliance check to identify sections of the constitution and elements that require urgent amendment and updating.</p> <p>Include review of the constitution as a workstream of the Improvement and Recovery Plan development. This should be informed by the “blueprint for change” set out in the CfGS report. There should be a particular focus on the following areas:</p>   | <p>Up to date constitution has been established.</p> <p>The compliance check has been concluded on the high priority areas identified in the CfGS review, monitored through the Improvement and Recovery Plan (IRP)</p> <p>Audit Committee is working to new terms of reference and is being supported to continually strengthen its' function and impact.</p> | <p>Interim Monitoring Officer</p> <p>Section 151 Officer</p> |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity   | Key Deliverables within 6 months (June 2024)  | Accountable Officer   |
|---|---|---|---|
|   | <ul style="list-style-type: none"> <li>• Member-officer relationships (with a particular focus on mutual roles and responsibilities, including delegation)</li> <li>• Role and functions of Council, Cabinet, scrutiny, and audit in respect of development and agreement of major decisions and strategies.</li> <li>• Conduct, values, and behaviours</li> <li>• New financial governance arrangements</li> </ul> <p>Develop new Terms of Reference for the Audit Committee and better alignment of the Audit Committee role to CIPFA best practice standards and consider alignment of standards/principles with other committees.</p> <p>Establish a Corporate Governance (Officer) Group to support the Audit Committee and other governance related work.</p> | <p>Agreed further activity as part of the Improvement and Recovery Plan</p>   |   |
| <p><b>5. Reframe the scrutiny work programme to focus on the Council's improvement and recovery priorities.</b></p> | <p>Scrutiny will play an active part in the 24/25 Budget development process. A Budget Scrutiny Task and Finish Group has been recently established to support this.</p> <p>Align the Overview &amp; Scrutiny work programme to the Improvement and Recovery Plan (once developed). This should focus on:</p> <ul style="list-style-type: none"> <li>• The safe and effective delivery of key services supporting vulnerable people.</li> <li>• Critical performance issues emerging “by exception”.</li> <li>• Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by</li> </ul>   | <p>Alignment of the Overview &amp; Scrutiny work programme with the Improvement and Recovery Plan</p> <p>Scrutiny's role in the 2024/25 Budget development process has subjected financial plans to rigorous challenge.</p> <p>Scrutiny has played a consistent and productive role in the Council's overall immediate improvement and recovery activity. It, and the wider Council, needs to have been able to demonstrate what that value has been added.</p> | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> |

| CfGS Recommendation  | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)   | Accountable Officer   |
|--|--|--|---|
|  | <p>exception), and other priority scrutiny activity relating to the Budget.</p> <ul style="list-style-type: none"> <li>• Culture, behaviour change and organisational development.</li> </ul>  |  |   |
| <p><b>6. Strengthen working relationships between the Chairs of Scrutiny Committees and the Chair of the Audit Committee to lead and direct the function</b></p> | <p>Scrutiny Chairs should meet on a monthly basis.</p> <p>Scrutiny Chairs and Audit Committee Chairs should meet on a quarterly basis to:</p> <ol style="list-style-type: none"> <li>Consider critical performance and risk issues and how they ought to be escalated to committee.</li> <li>Agree forthcoming agendas.</li> <li>Consider cross-cutting issues and determine where and how they should be dealt with.</li> <li>Review and reflect on recent scrutiny exercises.</li> </ol>   | <p>A new forward programme of work for the year drafted for Audit Committee</p> <p>Scrutiny and Audit have demonstrated to internal and external stakeholders they are actively contributing to the recovery and improvement priorities and activity.</p>  | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> <p>Assistant Director, Programmes, Performance, and Improvement</p> |
| <p><b>7. Put in place new arrangements for the support of the internal audit function, the audit committee, and the links between audit and scrutiny</b></p>     | <p>Audit Committee improvements should be informed by CIPFA best practice standards.</p> <p>Use of new terms of reference to drive action on new ways of working for the Audit Committee. This will include:</p> <ul style="list-style-type: none"> <li>• Audit Committee to be assured on the Council's principal strategic risks on finance and governance and to review and refine plans for mitigation with a focus on the external auditor's statutory recommendations.</li> <li>• Development of new risk-based systems to identify further emerging pressures.</li> </ul> | <p>Audit Committee have a clear understanding of key strategic risks on finance and governance.</p> <p>Reporting arrangements and a risk-led work programme have been developed for audit and scrutiny functions.</p> <p>Agreement of a new methodology for internal audit by the Audit Committee.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p> | <p>Interim Monitoring Officer</p> <p>Director of Finance</p>  |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)   | Accountable Officer        |
|---|--|--|----------------------------|
|   | <ul style="list-style-type: none"> <li>• Development of a new methodology for internal audits, which should be agreed by the Audit Committee before implementation.</li> <li>• Develop a more risk-led work programme for the audit and scrutiny functions on financial matters.</li> </ul> <p>Develop new and improved reporting arrangements to/from Audit Committee to other governance committees and groups.</p> <p>Support to officers working within internal audit and wider assurance framework through the Professional Leadership Development Scheme.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p>       |  |                            |
| <p><b>8. Design, and begin to put in place, new risk &amp; information management arrangements – with an initial focus on member accountability</b></p> | <p>Consider how the performance management framework can be strengthened to incorporate indicators of risk.</p> <p>A new risk management framework to be developed with emphasis on Assistant Directors being personally responsible for owned risks and KPI's.</p> <ul style="list-style-type: none"> <li>• Undertake an exercise to baseline the understanding of risk in the authority, who owns it, how it is being mitigated and arrangements for oversight and escalation.</li> <li>• Enhance officers' capability on risk through development training enhance members understanding about their collective role in risk management.</li> </ul> | <p>There is increased clarity on risk owners.</p> <p>The council is better able to recognise its risks as they emerge and escalate to elected members more effectively and mitigate accordingly.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p> | <p>Director of Finance</p> |

| CfGS Recommendation  | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)  | Accountable Officer  |
|--|--|---|--|
|  | <p>Develop new Audit Committee Terms of Reference to strengthen approach to risk management.</p> <p>A new Corporate Governance (Officer) Group to be formed, with a focus on governance, risk, and performance management.</p> <p>Review and revise arrangements for member support, and information sharing with Overview and Scrutiny and Audit.</p> <p>Set substantive discussion of risk as a standing item on monthly Cabinet agendas (escalated from, and informed by, discussions at Scrutiny and Audit Committee).</p> <p>Scope and develop further programme of action as part of the Improvement and Recovery Plan.</p>            |   |  |
| <p><b>9. Put in place robust arrangements for members’ oversight of the development of the 2024/25 budget and MTFS</b></p> | <p>Early engagement by scrutiny members is being built into the budget development processes. A Budget Scrutiny Task and Finish Group has been established to address this. Scrutiny involvement will include:</p> <ul style="list-style-type: none"> <li>• Identification and scrutiny of the most critical areas where savings/cuts are planned with a particular focus on the equality and equity impacts.</li> <li>• Time and space for scrutiny to investigate and challenge the budget development including the budget plans themselves.</li> <li>• Members and Commissioner sessions are being scheduled to support this.</li> </ul> | <p>Members have had opportunities to review and challenge the development of the 2024/25 budget through the Budget Scrutiny Task and Finish Group and additional sessions.</p> <p>A process for ongoing, in-year budget scrutiny has been developed.</p> <p>Multi-directorate teams have reviewed and challenged the budget.</p> <p>Members’ input means that some of the most significant negative impacts on local people from service/budget cuts have had the opportunity to be tested/mitigated.</p> | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> <p>Director of Finance</p> |

| CfGS Recommendation   | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)   | Accountable Officer                                    |
|---|--|--|--|
|   | <ul style="list-style-type: none"> <li>Separate process for ongoing, in-year budget scrutiny to be informed by the stabilisation plan's proposed action on audit and scrutiny.</li> </ul> <p>Review and challenge of the budget from multi-dimension teams will be held across Finance, HR, Procurement, Legal, DTS, Equalities.</p> <p>The new Terms of Reference for the Audit Committee provides greater clarity of the Committee's role in financial management oversight.</p> | <p>There will be formal feedback from scrutiny to Council, to support its formal work on signing off the Budget in New Year 2024.</p>  |  |
| <p><b>10. Integrate action on external auditors' recommendations into wider practice.</b></p> | <p>All external audit recommendations fall within the scope of commissioner led intervention, and will be addressed where required by the Improvement and Recovery Plan</p> <p>A new corporate timetable has been issued to develop a budget, which includes all services and involves engagement from Members. This will result in a more sustainable financial plan.</p>   | <p>A more sustainable financial plan has been developed through following the new corporate budget timetable.</p> <p>External audit recommendations are being monitored and integrated into wider improvement plan and practice.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan</p>                                 | <p>Director of Finance</p>                             |
| <p><b>11. Continue to rebuild relationships with external partners.</b></p>                   | <p>A programme of work is being implemented to understand partner's needs, roles, capacity, and capability.</p> <p>Partnership engagement infrastructure is being developed to strengthen the council's approach, and tools will be made available to help contribute to the Council's effectiveness as mature and effective partner.</p> <p>Start to think about how active partnerships can contribute to service redesign, which we consider</p>                                | <p>There is a better understanding of the Council's partners, which acts as a basis for meaningful discussion of the role of partners in respect of the Council's future operating model.</p> <p>Tools and guidance are available to support partnership work across the Council.</p> <p>Members are more strongly involved in partnerships.</p> | <p>Director of Strategy, Equality and Partnerships</p> |



| CfGS Recommendation  | BCC Response – current, planned, or proposed activity  | Key Deliverables within 6 months (June 2024)  | Accountable Officer   |
|--|--|---|---|
|  | <p>will be an important theme of the Improvement and Recovery Plan.</p> <p>Approach to Member involvement needs to be developed in order for them to play strong role in this work.</p>  | <p>Agreed further activity as part of the Improvement and Recovery Plan</p>   |   |
| <p><b>12. Put in place proportionate arrangements to manage governance and decision-making in the context of the role of Commissioners</b></p> | <p>Proportionate and directed oversight by Commissioners will be integrated into plans for the constitutional review, and other short-term changes to the governance framework.</p> <p>Activity is already underway to:</p> <ul style="list-style-type: none"> <li>• Establish process for Commissioners to clear and comment on all council/ cabinet reports.</li> <li>• Agree where and how Commissioners will be sighted on important / contended matters.</li> <li>• Agree on how delegation will operate under Commissioners' oversight.</li> <li>• Create formalised arrangements for Cabinet/ CLT/ Commissioner/ scrutiny relationships, to ensure that there is public visibility and accountability.</li> </ul> | <p>Proportionate arrangements are in place to integrate Commissioners' roles, and expectations, as a semi-permanent part of the governance framework. These arrangements are consistent and well-understood.</p>  | <p>Director of Strategy, Equality and Partnerships</p>              |
| <p><b>13. Modernise systems and practices in Scrutiny and Committee Services</b></p>   | <p>The Statutory Scrutiny Officer (SSO) will be empowered with scrutiny chairs and CLT, to take forward action to ensure that improvement work is taken forward.</p> <p>Ongoing mentoring support to officers supporting the Audit Committee to be used as a model for wider mentoring and coaching for Scrutiny and Committee Services staff.</p> <p>Scoping further activity for the Improvement and Recovery Plan.</p>  | <p>Improvement work has been undertaken in Scrutiny and Committee Services, reflecting the recommendations from ongoing externally commissioned support work.</p> <p>The SSO and Scrutiny and Committee Services has a higher profile in the organisation.</p> <p>Agreed further activity as part of the Improvement and Recovery Plan.</p> | <p>Interim Monitoring Officer</p> <p>Statutory Scrutiny Officer</p> |

| <b>CfGS Recommendation</b> | <b>BCC Response – current, planned, or proposed activity</b>   | <b>Key Deliverables within 6 months (June 2024)</b> | <b>Accountable Officer</b> |
|----------------------------|--|---|----------------------------|
|                            | Delivery is contingent on conclusion of ongoing externally commissioned improvement activity across Scrutiny and Committee Services. |   |                            |

**Birmingham City Council  
Standards Committee**

28 March 2024



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

**Commissioner’s Review:**

Commissioners support the recommendations.



# Birmingham City Council Standards Committee

28 March 2024



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**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:

| <b>Complaint Type</b>  | <b>Number</b> |
|--|---------------|
| 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         |
| <b>Total</b>   | <b>38</b> | <b>34</b> |

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



## Agenda Item 6

### Appendix 1

#### Member Standards complaints 23/24

|          | <b>Complaint summary</b>   | <b>Outcome</b>   |
|----------|--|--|
| <b>1</b> | Complaint about a retweet by a councillor which was allegedly where it was alleged to be offensive.<br>The Councillor immediately deleted the tweet and issued an apology.                   | No breach of the Code of conduct as the member was not acting in their official capacity as Councillor.<br>It was also acknowledged that the Councillor took immediate steps to delete the retweet and apologise to the complainant. |
| <b>2</b> | Fraudulent activity by Councillor when involved with a Charity as a trustee.   | Complaint does not engage the Code of Conduct as Councillor was not acting in an official capacity. The matter had previously been investigated with no further action.  |
| <b>3</b> | Complaint that Councillor not suspended nor dismissed as Councillor pending an external enquiry.   | Not a matter for the Code of Conduct as Councillor not acting in an official capacity. In addition Standards Committee has no power to suspend a Councillor.   |
| <b>4</b> | Allegations of a Councillors connection to extremists and extremist groups.  | Not a matter that engaged the Code of Conduct. Complainant advised to refer to the police.   |
| <b>5</b> | It is alleged that a Councillors written response to a petition relating to reinstatement works carried out was inaccurate, misleading and selective.  | This matter is subject to LGSCO complaint. The complaint is being dealt with by the relevant service area via the corporate complaints procedure.  |
| <b>6</b> | Ward Councillors failure to respond regarding concerns relating to a neighbour's driveway and not applying for dropped kerb which has resulted in damage to grass verges.                    | Determined no breach of Code of Conduct but Councillor advised of the complaint Councillor confirmed that they had made contact and had visited the complainant to resolve the original issue.                                       |
| <b>7</b> | It is alleged that a Councillor handled the probate for the Complainant's and charged the estate a fee for their services. Dispute arose which led to a complaint under the Code of Conduct. | This is not member standards matter as the member was not acting in their official capacity as Councillor.   |
| <b>8</b> | Inflammatory comments made by Cllr regarding council employees on a public forum   | Determined no breach of the Code of Conduct nor had the Councillor breached the Officer/Member protocol. The Councillor was critical of a service but not individual officers  |
| <b>9</b> | The Complainant who privately owns her property raised concerns that a Councillor held a consultation meeting regarding regeneration and only Council tenants were invited to attend.        | Determined no breach of Code of Conduct. Matter referred to relevant department to resolve.  |

|           |  |   |
|-----------|--|---|
|           |  |   |
| <b>10</b> | Complaint relating to Councillors comments about a project which is alleged were incorrect.  | Determined no breach as the comments were not misleading or untrue. Furthermore the Standards Committee could not address the complainants remedy to "recall" a cabinet decision or to ask cabinet to reconsider a decision already made. |
| <b>11</b> | It is alleged that the Complainant has been maliciously discriminated against by a large number of BCC managers. Information was sent to Councillor no 1 but no response received.   | Determined no breach as the Councillor could not get involved in ongoing staffing matters.  |
| <b>12</b> | It is alleged that the Complainant has been maliciously discriminated against by a large number of BCC managers. Information was sent to Councillor no 2 but no response received.   | Determined no breach as the Councillor could not get involved in ongoing staffing matters   |
| <b>13</b> | A Councillor was involved in two recent HMO planning application processes. The Councillor made contact with the complainant to discuss one of the applications and provided justification for the HMO in response to the Complainant's objection to the planning application. The Complainant alleges the Councillor was not acting in best interest of the public but more in the interest of the applicant. | Code not breached, no evidence provided in support of allegations that suggested the Councillor had acted contrary to the code.   |
| <b>14</b> | A Councillor was copied into a number of emails concerning improvements to Cemeteries across the City. The Councillor never acknowledged these emails but when he did he lacked professionalism  | No breach of the Code of conduct matter referred to the relevant department.  |
| <b>15</b> | Complaint that a Councillor has not responded to the Complainant's correspondence regarding waste management   | No breach of Code of Conduct - complaint related to service delivery and referred to the relevant department.   |
| <b>16</b> | A complaint that a Councillor made false statements when summarising the meeting she had with the Complainant regarding an exempt accommodation property that the Complainant is a landlord for.   | Determined no breach as Councillors are always called upon to make decisions and whilst they need to reflect the views of their constituents they need to make decisions in accordance with the code.                                     |
| <b>17</b> | Allegations regarding the Complainant's dropped kerb application being refused/cancelled due to the influence of the councillor contrary to the Code..   | No evidence that the councillor had acted contrary to the breach of Code of Conduct. No further action taken  |
| <b>18</b> | A Councillor made comments during a Council public scrutiny meeting which the Complainant believes was a in a personal attack against them.  | Determined that no breach as the Councillors comments were not a personal attack on the complainant but of the Council's procurement process. Consideration also given to impact of Article 10 under the Human rights Act.                |
| <b>19</b> | The complaint concerns lack of response and forwarding the Complainant's email to third party regarding potential financial irregularities..   | No breach of Code of Conduct as no evidence that Councillor had shared details without consent.   |
| <b>20</b> | Complaint whether Councillor fit to serve in the role following media report?  | No breach of the Code of conduct as the member was not acting in their official capacity as Councillor.   |

|           |  |   |
|-----------|--|---|
| <b>21</b> | Potential breach by Councillor sharing constituent casework with a 3 <sup>rd</sup> party.  | Whilst potential breach Councillor apologised and asked for additional training. As such agreed n further action.         |
| <b>22</b> | Councillor failed to provide both a proper response and misled constituent.                | Insufficient evidence to support the allegation that the Councillor had breached the code.                                |
| <b>23</b> | Various Councillors failed to declare their interest on their register of interest's form. | No breach of the code as Councillors had sought a dispensation to withhold sensitive information including home addresses |
| <b>24</b> | Councillor has failed to carry out their duties as a councillor.                           | No breach of the code – referred to the Group   |







**Birmingham City Council**  
**Standards Committee**  
**28 March 2024**



**Report of:** Interim Director of Law & Governance and Monitoring Officer

**Subject:** General Dispensations

Does the report contain confidential or exempt information?  Yes  No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :

## **1 Executive Summary**

- 1.1. To propose that a general dispensation be granted to all councillors in relation to a limited range of interests that they may have in matters coming before the council's decision- making bodies.
- 1.2. This will enable them to participate in meetings where these interests may be thought to arise but their position is shared with a significant proportion of other members of the council and/or in the community and transaction of council business might otherwise be impeded.

## **2 Recommendation(s)**

- 2.1 To recommend that Council agrees the dispensations contained in paragraphs 3.3 and 3.4 of this report, in respect of participation in discussion and voting at meetings, with effect until the Annual Meeting following the next full local elections.

## **3 Background**

- 3.1 Section 31(4) of the Localism Act 2011 provides that a Member who has a disclosable pecuniary interest in any matter to be considered at a meeting may not participate in any discussion, or vote on the matter. However, by virtue of section 33, an authority may, on a written request by a Member, grant a dispensation relieving the member from either or both of the restrictions in Section 31(4) if criteria set out in section 33(2) of the Act are satisfied. Dispensations may also be granted in relation to the personal interests set out in the Code of Conduct.

3.2 The relevant criteria are that:

- (a) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) Without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) Granting the dispensation is in the interests of persons living in the authority's area; or
- (d) it is otherwise appropriate to grant a dispensation.

3.3 It is common practice in many other local authorities for a set of general dispensations for all members to be agreed for each administration, based on those that were included in the nationally applicable Code of Conduct that applied prior to the Localism Act 2011. These applied in respect of matters where the interest arose in the following circumstances:

- (i.) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii.) school meals, extra-curricular activities, school organisation issues or school transport, and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii.) an allowance, payment or indemnity given to members;
- (iv.) setting council tax or a precept under the Local Government Finance Act 1992.

3.4 A review of practice elsewhere suggests that it may also be appropriate to provide dispensations in respect of the following additional circumstances :

- (v.) Setting of Council Housing rent levels and approving the Housing Revenue Account (HRA): where the Councillor (or spouse or partner) holds a tenancy or lease with the Council [by way of clarification as these may be regarded as financial rather than Housing matters];
- (vi.) Housing benefit in relation to overarching budget reports: where the Councillor (or spouse or partner) receives housing benefit;
- (vii.) Adult Social Care in relation to overarching budget reports: where the Councillor (or spouse or partner) receives adult social care support.



(viii.) For a Member in receipt of Council Tax Benefit in relation to Local Council Tax Support.

(ix.) Government grants and related support and including cost of living grants .

(x.) Non Domestic Rates and Discretionary Rate Relief except where it affects the member's individual property.

3.5 Guidance issued by the Department for Communities in Local Government (DCLG) in September 2013 (Openness and Transparency on personal interests) states that the DCLG view is that Members do not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support because this is a decision affecting the generality of the public in the area rather than Members as individuals. Nonetheless, it seems prudent to include these matters in the proposed general dispensations.

3.6 The dispensation for Council Tax relates to a Member's disclosable pecuniary interest and does not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote if they are two months or more in arrears with their Council Tax when voting on setting the Council's budget.

3.7 It is proposed that any dispensation agreed be in place until the Annual Meeting following the next local elections in 2026.

3.8. The City Solicitor and Monitoring Officer will arrange for each member to make a written request that the dispensation be applied to them as necessary.

#### **4. IMPLICATIONS**

4.1. Legal Implications -

These are contained in the body of the report.

4.2. Financial Implications -

No specific financial implications arise from this report.

#### **Environmental Implications and contribution to achieving a net zero carbon Birmingham by 2030**

4.3. No specific environmental implications arise from this report.

## **Equalities Impact Assessment**

4.4 No equalities implications arise from this report.

### **5 Conclusion and reasons for recommendations**

That a general dispensation be granted to all councillors in relation to a limited range of interests that they may have in matters coming before the council's decision-making bodies, for the reasons stated above.

### **6. Background Papers**

NONE

### **7. Appendices**

NONE





# Birmingham City Council Meeting of City Council

28 March 2024



**Subject:** Dispensations – Budget meeting 5<sup>th</sup> March 2024 Officer

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

**Report Writer:** Robert Connelly Assistant Director – Governance

## 1. Purpose of report:

- 1.1 To provide update on dispensations made pursuant to the Localism Act in respect of the meeting of Full Council on 5<sup>th</sup> March 2024 (Budget meeting).

## 2. Relevant legislations and Protocols

- 2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest or Other Registerable Interest . Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.
- 2.2 Section 31(4) of the Localism Act states that dispensations may allow the Councillor:
  - (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
  - (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).
- 2.3 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held and may also vote.
- 2.4 If a Councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.

### **3. Criteria**

3.1 A dispensation maybe granted if it is considered that:

- a. without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (i.e. the meeting would be inquorate)
- b. without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business
- c. granting the dispensation is in the interests of persons living in the Council's area without the dispensation each member of the Council's executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's executive: or
- d. it is otherwise appropriate to grant a dispensation.

3.2 In addition the Monitoring Officer will take into account:

- i. the nature of the Councillor's prejudicial interest
- ii. the need to maintain public confidence in the conduct of the Council's business
- iii. the possible outcome of the proposed vote
- iv. the need for efficient and effective conduct of the Council's business any other relevant circumstances.

### **4. Dispensations**

4.1 On 5th March there is a meeting of Council to approve the budget for 2024/2025.

4.2 The City Solicitor has used her delegated powers to give dispensations in consultation with the Chair of Standards in respect of the following:

- Being a council tax payer,
- member of a Trade Union
- Relative of council employee
- A resident in the City of Birmingham

4.3 In addition, the Monitoring Officer following requests for dispensations were agreed in respect of the Councillors disclosable interests, which are set out in the members Register of Interests.

| <b>Name</b>              | <b>Dispensation requested in writing</b> | <b>Status</b> | <b>Duration</b>  | <b>Reason</b>   |
|--------------------------|--|---------------|--|---|
| Councillor Mary Locke    | Yes                                      | Agreed        | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Member Midlands Art Council<br>BCC rep on West Midlands Pension Fund  |
| Councillor Robert Alden  | Yes                                      | Agreed        | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Partner works at BMT<br>Receipt of income from LGA<br>Birmingham Proof House<br>Board member Erdington BID  |
| Councillor Saima Suleman | Yes                                      | Agreed        | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Potential interest as partner has both a Hackney Carriage and Private Hire Licence<br><br>Trustee of Music Therapy Works  |
| Councillor Fred Grindrod | Yes                                      | Agreed        | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Partner works at BCC maintained school.<br><br>Declared DPI as works for the NASUWT   |
| Councillor Ray Goodwin   | Yes                                      | Agreed        | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Partner works at BCC (Schools)<br>Interests in Community Assets which received BCC funding<br>CX at Spitfire Services with BCC contract for welfare Benefit and debt advice |
| Councillor Gareth Moore  | Yes                                      | Agreed        | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Trustee CAB which holds contracts with BCC<br>Trustee of Birmingham LGBT who receive contracts from BCC.<br>Trustee of Sir Josiah Mason Trust – adult social care provider  |
| Councillor Roger Harmer  | Yes                                      | Agreed        | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Partner works at BCC maintained school  |

|                            |     |        |  |   |
|----------------------------|-----|--------|--|---|
| Councillor Albert Bore     | Yes | Agreed | Budget items to be debated at the Council meeting on 28 <sup>th</sup> February | BCC appointee to the Board of B: Music Ltd who are in receipt of an annual grant from BCC.<br>Board Member Colmore and Westside BIDs  |
| Councillor Mahmood Hussain | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | NPI – daughter works at BCC maintained school   |
| Councillor John Cotton     | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Partner works at BCC and has various ORI which could potentially be impacted  |
| Councillor Phil Davis      | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Non-pecuniary interest in the following bodies to which nominated by the Council:- <ul style="list-style-type: none"> <li>• Chamberlain Highbury Trust;</li> <li>• Birmingham Museums Trust;</li> </ul> |
| Councillor Ewan Mackey     | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Appointed by BCC to the Board of B: Music Ltd who are in receipt of an annual grant from BCC  |
| Councillor Rob Pocock      | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | BCC appointed Trustee Birmingham and Midland Institute  |
| Councillor Kerry Jenkins   | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Employment with Unite   |
| Councillor Saima Suleman   | Yes | Agreed | Budget items to be debated at the Council meeting on                           | Member of the board of trustees for a charitable organisation called Music Therapy Works<br>Partner private hire driver   |



|                                 |     |        |  |   |
|---------------------------------|-----|--------|--|---|
|                                 |     |        | 28 <sup>th</sup><br>February   |   |
| Councillor<br>Raqeeb Aziz       | Yes | Agreed | Budget<br>items to be<br>debated at<br>the Council<br>meeting on<br>28 <sup>th</sup><br>February | Parents work for AFJ<br>Limited who receives<br>contracts from the Council<br>in relation to SEN school<br>transport  |
| Councillor<br>Liz Clements      | Yes | Agreed | Budget<br>items to be<br>debated at<br>the Council<br>meeting on<br>5 <sup>th</sup> March        | Trustee of Birmingham<br>Symphony Hall<br>(Bcc nominee)<br>Board observer<br>Birmingham Opera<br>(BCC nominee)<br>Board Observer Ex<br>Cathedra (BCC<br>nominee)<br>Regional Advisory Board<br>member – Canal &<br>River Trust West<br>Midlands<br>Trustee of Friends of<br>Bournville Park |
| Councillor<br>Darius<br>Sandhu  | Yes | Agreed | Budget<br>items to be<br>debated at<br>the Council<br>meeting on<br>5 <sup>th</sup> March        | City of Birmingham<br>Symphony Orchestra<br><br>Committee of Friends of<br>Birmingham Museum<br>Trust   |
| Councillor<br>Adam Higgs        | Yes | Agreed | Budget<br>items to be<br>debated at<br>the Council<br>meeting on<br>5 <sup>th</sup> March        | Sits on the board of the<br>BMI and I am also the<br>President of Warstock<br>Community Centre.   |
| Councillor<br>Matt S<br>Bennett | Yes | Agreed | Budget<br>items to be<br>debated at<br>the Council<br>meeting on<br>28 <sup>th</sup><br>February | Board member at the<br>Midland Arts Centre  |
| Cllr<br>Narinder<br>Kooner      | Yes | Agreed | Budget<br>items to be<br>debated at<br>the Council<br>meeting on<br>5 <sup>th</sup> March        | Committee member of<br>Friends of Hamstead<br>Pavillion<br>Director (Unpaid) of BCG<br>Land & BCG Woods   |
| Councillor<br>Jayne             | Yes | Agreed | Budget<br>items to be  | West Midlands Arts Trust<br>Director Ikon Gallery   |

|                                  |     |        |  |  |
|----------------------------------|-----|--------|--|--|
| Francis                          |     |        | debated at the Council meeting on 5 <sup>th</sup> March                        | Director The rep Theatre<br>Arts Council England<br>Midlands area<br>WMCA Housing & Land<br>Delivery Board<br>Assoc of Retained Council<br>Housing<br>Board member Colmore,<br>Westside and Harborne<br>BIDs |
| Councillor<br>Karen<br>McCarthy  | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Board member Millennium Point  |
| Councillor<br>Catherine<br>Iroh  | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Partner works for adult<br>Social care company   |
| Councillor<br>Marj Bridle        | Yes | Agreed | Budget items to be debated at the Council meeting on 28 <sup>th</sup> February | Castle Bromwich Hall<br>Gardens Trust<br>Birmingham Airport<br>Community Trust Fund.   |
| Councillor<br>Ken Wood           | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Board Member BVSC (BCC<br>appointment)<br>Board Member<br>Birmingham Crisis Centre   |
| Councillor<br>Majid<br>Mahmood   | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Member of the Panyam<br>Burial Society<br>Member of the Castle<br>Bromwich Halls gardens   |
| Councillor<br>Tim<br>Huxtable    | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March     | Member of the<br>Engagement Group<br>Champion for Rail, Metro<br>& Sprint  |
| Councillor<br>Sharon<br>Thompson | Yes | Agreed | Budget items to be debated at  | Member of Major Sporting<br>Events Leadership Group  |

|                          |     |        |  |   |
|--------------------------|-----|--------|--|---|
|                          |     |        | the Council meeting on 5 <sup>th</sup> March                               |   |
| Councillor Ian Ward      | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Cavendish Consulting representing companies seeking land acquisitions.<br>Birmingham and Moseley Rugby Club                                       |
| Councillor Lee Marsham   | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Coopted member of Bloomsbury Estate Management Board  |
| Councillor David Barker  | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Works for charity which may be impacted by budget proposals   |
| Councillor Kath Scott    | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Trustee at Disability Resource Centre<br>Governor Birmingham Women and Childrens NHS Trust  |
| Councillor Nicky Brennan | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Board member Southside BID  |
| Councillor Des Hughes    | Yes | Agreed | Budget items to be debated at the Council meeting on 5 <sup>th</sup> March | Trustee of Kingstanding Regeneration Trust<br>Board member Barry Jackson Trust.<br>BCC Representative on the Board of the Birmingham Royal Ballet |

- 4.4 In accordance with the Localism Act, any request for a dispensation needs to be in writing and again will be considered by the Monitoring Officer and the Chair of the Standards Committee. A record of any dispensations granted and are held by the Monitoring Officer.
- 4.5 The Monitoring Officer is currently undertaking a review so any dispensations are easily accessible to members of the public in the same way that a summary of a members registerable interest and gifts and hospitality are

available.

## **5 Financial Implications**

5.1 There are no financial implications arising from this report.

## **6. Legal Implications**

6.1 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 / 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 None

**Birmingham City Council  
Standards Committee**

28 March 2024



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**Subject: Statutory Register of Declarations of Interest**

**Commissioner's Review:**

Commissioners have no observations on this report. The Monitoring Officer should consider whether it is appropriate to prepare a similar report for officers in the top three tiers.



# Birmingham City Council Standards Committee

28 March 2024



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**Subject:** Statutory Register of Declarations of Interests

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

**Report Writer:** Robert Connelly, Assistant Director Legal and Governance

## 1. Purpose of report:

- 1.1 To provide an update on the completion by members of their declaration of interests' form. The declaration of interests' form was updated following the resolution of Full Council and in conjunction with the Standards Committee and issued to members for completion in June 2023.
- 1.2 To provide the Standards Committee with an overview of the members Declaration of Interests.

## 2. Recommendations

- 2.1 The Committee is recommended to consider the declarations made and to make any recommendations that it considers appropriate.

## 3. Declaration of Interests Form

- 3.1 As previously considered the new form provides a description, guidance, and examples on how to complete each section.
- 3.2 The form now requires a fuller description of the interests being declared and as such has raised a few queries, where members had completed the interest, but not given the full description.
- 3.3 In some instances, members with an existing up to date register of interest form, had not automatically completed the new style form as a matter of course.

## 4. Financial Implications

- 4.1 There are none arising from this report.

## **5. Legal Implications**

- 5.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.
- 5.2 Members are required to notify the monitoring officer within 28 days of any changes to their declaration of interests. In addition to this, it is good governance for members to review and update their register on a yearly basis.
- 5.3 Failure of a member to register or disclose a disclosable pecuniary interest as set out in in the code of conduct is a criminal offence under the Localism Act 2011.
- 5.4 All members are required to notify any amendments to the declaration of interests within 28 days of any amendments, but it is good practice that all members review their declarations of interest at least annually to facilitate good and clear transparent decision making.

## **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. Appendices**

- 9.1 Appendix 1: Overview of Declarations of Interests as at 5<sup>th</sup> March 2024



## Birmingham City Council – Councillors Statutory Register of Interests (05.03.2024)

| Councillor                    | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship   | 3. Contracts | 4. Land and Property  | 5. Licenses | 6. Corporate Tenancies | 7. Securities   | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|-------------------------------|-----------------|--|--|--------------|---|-------------|------------------------|---|--|------------|
| <a href="#">Akhlag Ahmed</a>  | Lab             | I receive an allowance as a Councillor and Chair of Economy and Skills Overview & Scrutiny Committee.  | Labour Party provision of Ward Leaflets                  | None         | Dispensation Granted by Monitoring Officer for Home Address.  | None        | None                   | None  | I am a member of the Labour Party<br>I am a member of GMB<br>I actively help Friends of Reddings Lane Park as it is within my ward.<br>Volunteer for Sarehole Environment Action Team (SEAT)   | 27/07/2023 |
| <a href="#">Saima Ahmed</a>   | Lab             | NHS Medical Admin & Main Receptionist<br>Husband – Taxi Driver (Uber)<br>Careline organiser (Birmingham City Council)<br>Income received from rental property.   | Labour Party   | N/A          | Dispensation Granted by Monitoring Officer on home address.<br>Dispensation Granted by Monitoring Officer on property owned by Husband, privately rented, Sparkhill Ward. | N/A         | N/A                    | N/A   | I am a member of the Labour Party  | 23/08/2023 |
| <a href="#">Alex Aitken</a>   | Lab             | Self: Councillor<br>Director, The 1900 Creative Ltd<br>Partner: Councillor   | The Labour Party<br>Unison<br>GMB<br>Co-operative Party  | N/A          | Dispensation Granted by Monitoring Officer on Home Address.   | N/A         | N/A                    | N/A   | BCC Representative, Mind Birmingham.<br>I am a member of the Labour Party, the GMB Trade Union, and Labour's Environment Campaign – SERA.  | 24/01/2024 |
| <a href="#">Deirdre Alden</a> | Con             | I receive an allowance as a Councillor and Shadow Cabinet Member for Environment.<br>Semi-retired dealer in toys<br>Husband – retired tax accountant   | The Conservative Party                                   | None         | Dispensation Granted by Monitoring Officer for Home Address.  |             |                        | Birnam Flat Management Company Ltd<br>Self and Husband own 12.5% share capital<br>Husband is director of above. | Member of Warwickshire CCC / BCC Review Group.<br>Member of Warwickshire CCC Safety Advisory Group.<br>Member of the Conservative Party.<br>Member of Winterbourne Gardens.<br>Member of Calthorpe Residents' Society.<br>Weoley Castle Working Men's Club.<br>Honorary Membership of Birmingham Botanical Gardens   | 13/07/2023 |
| <a href="#">Robert Alden</a>  | Con             | City Councillor Birmingham City Council<br>Leader of the Conservative Group<br>Member of the Transport Delivery Overview and Scrutiny Committee, WMCA<br>Vice Chairman of the LGA City Regions Board<br>Chairman of the LGA Audit & Risk Assurance Committee<br>Part-time work for Gary Sambrook MP.<br>Ad Hoc Training provider for the LGA/LGA Conservative Group<br>Wife works for Birmingham Museum and Art Gallery. | Erdington Conservative Association<br>Conservative Party |              | Dispensation Granted by Monitoring Officer for Home Address.  |             |                        | Member of Erdington Conservatives<br>Member of Erdington Conservative Club                                      | Director of Gravelly Hill Unionist Buildings Limited<br>Vice Chair Erdington Business Improvement District / Vice Chair of the Erdington Town Centre Partnership<br>Board Member of Birmingham Museum Trust<br>Birmingham Gun Barrell Proof House<br>Vice Chair Erdington Business Improvement District / Vice Chair of the Erdington Town Centre Partnership.<br>Board Member of Birmingham Museum Trust<br>I am a member of:<br>Erdington Conservative Association<br>Erdington Conservative Club<br>Conservative Councillors Association<br>Friends of the John Taylor Hospice<br>Pype Hayes branch of the British Legion<br>Involved with group to keep Malcolm Locker open<br>Friends of Rookery Park<br>LGA Councillors Forum. | 07/08/2023 |

| Councillor                          | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship  | 3. Contracts | 4. Land and Property   | 5. Licenses | 6. Corporate Tenancies | 7. Securities                                 | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|-------------------------------------|-----------------|---|---|--------------|--|-------------|------------------------|---|---|------------|
| <a href="#">Gurdial Singh Atwal</a> | Lab             | Atwal Associates (Proprietor)<br>Atwal Construction (Proprietor)<br>Approved Preservation (Proprietor)<br>Elected member (Councillor Birmingham City Council)<br>West Midlands Fire and Rescue Authority. |   |              | Dispensation Granted by Monitoring Officer on property owned, Rented by Agent, Soho & Jewellery Quarter Ward.<br><br>Dispensation Granted by Monitoring Officer for property owned by Wife, Rented by Agent, Handsworth Wood Ward.<br><br>Dispensation Granted by Monitoring Officer on home address.<br><br>Dispensation Granted by Monitoring Officer on property owned, rented by agent, Holyhead Ward. |             |                        |   | I am an appointed member of the West Midlands Fire and Rescue Authority.<br><br>I am a member of;<br><br>Sikh Community forum<br><br>Shiromani Akalidal Amritsar UK<br><br>Supreme Sikh Council UK<br><br>Federation of Sikh Organisation<br><br>Baba Deep Singh Shaheed Gurdwara<br><br>Labour Party<br><br>Unite the Union                              | 10/08/2023 |
| <a href="#">Raqeeb Aziz</a>         | Lab             | Councillor at Birmingham City Council<br>Employed as a Paralegal at a Solicitors details of which have been given to the Monitoring Officer.  | Election expenses from the Birmingham Labour Group.<br><br>Election Expenses from the Birmingham Ladywood Constituency Party. | None         | Dispensation Granted by Monitoring Officer on home address.  | None        | None                   | None  | I am a substitute member of the West Midlands Police and Crime Panel.<br><br>I am a member of the Labour Party.<br><br>I am a member of Unite the Union.<br><br>I am treasurer of Birmingham Ladywood Constituency Labour Party.  | 30/01/2024 |
| <a href="#">Shabina Bano</a>        | Lab             | Receive an allowance as a Councillor  |   |              | Dispensation Granted by Monitoring Officer for Home Address.   |             |                        |   | West Midlands Police and Crime Panel<br><br>I am a member of the Labour Party   | 25/07/2023 |
| <a href="#">David Barker</a>        | Lab & Co-op     | I work for Baby Aid Birmingham CIC as a Director  |   |              | Dispensation Granted by Monitoring Officer on Home Address.  |             |                        |   | I am a member of the Labour Party, the Co-operative Party, GMB trade union, LGBT+ Labour, and the Labour Party Irish Society.<br><br>I am on the Hall Green Neighbourhood Network Steering Group.   | 31/01/2024 |
| <a href="#">David Barrie</a>        | Con             | Managing Director D Barrie Risk Management Ltd<br><br>Wife is secretary of above in admin role.<br><br>Allowances for role as member of West Midlands Fire and Rescue Authority.                          | Election expenses and campaign support from the Sutton Coldfield Conservative Association                                     | None         | Ownership of property at 21 Hawthorn Road, Wylde Green, Sutton Coldfield, B72 1ES.   | None        | None                   | Share holding in D Barrie Risk Management Ltd | Director of Sutton Coldfield Business Improvement District.<br><br>I am an appointed member of West Midlands Fire & Rescue Authority.<br><br>Member of Friends of Jones Wood<br><br>Member of Conservative Party  | 20/06/2023 |
| <a href="#">Baber Baz</a>           | LibDem          | Myself: Income received from rental property<br><br>Wife: Self Employed Landlord, Houses  | Yardley Liberal Democrats produce Ward Leaflets   | N/A          | I live at and own 173 Bankes Road, Small Heath, B10 9PN<br><br>I own and rent 6 Flavells Lane, Yardley, B25 8SG privately rented.<br><br>I own and rent 152 Bankes Road, Small Heath, B10 9PH, privately rented.   | N/A         | N/A                    | N/A   | I am a member of BFAWU union.<br><br>I am a member of the Liberal Democrat Party.   | 14/08/2023 |
| <a href="#">Matt Bennett</a>        | Con             | SENDIASS Officer, Derby City Council<br><br>Wife is a solicitor at Thompsons  | None  | None         | My wife and I live in and own 31 The Dreel, Edgbaston, Birmingham, B15 3NS   | None        | None                   | None  | I am an appointed trustee of the Midland Arts Centre<br><br>I am a member of<br><br><ul style="list-style-type: none"> <li>• The National Trust</li> <li>• Birmingham Women's and Childrens' NHS Foundation Trust</li> <li>• Birmingham Botanical Gardens</li> <li>• Calthorpe Residents Society</li> <li>• Norfolk Park Residents Association</li> </ul> | 17/07/2023 |

| Councillor                        | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship   | 3. Contracts | 4. Land and Property  | 5. Licenses   | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|-----------------------------------|-----------------|---|--|--------------|---|---|------------------------|---------------|---|------------|
| <a href="#">Jilly Bermingham</a>  | Lab             | I am a partner in Grange Construction Engineering which is a family business providing Auger Bungs to the Construction Industry.<br><br>Asbestos Central England, I will be a Client Support Worker talking to anyone affected by Asbestos related disease. | No sponsorship   | N/A          | I live at and own 89 Chestnut Drive, Birmingham, B24 0DR<br><br>I have an interest in 52 Grange Road, B24 0DE as it is the registered address of our family business. | N/A   | N/A                    | N/A           | Director of Radio Sheffield, a dormant company that is a name only.<br><br>Director (Unpaid) of Witton Lodge Community Association.<br><br>I am a member of the Labour Party and Unite the union.   | 04/12/2023 |
| <a href="#">Marcus Bernasconi</a> | Lab             | Office of Shabana Mahmood MP<br>Employed as Office Manager<br><br>Misconi Holdings - Director   | N/A  | N/A          | Dispensation Granted by Monitoring Officer on home address  | N/A   | N/A                    | N/A           | I am a member of the Labour Party<br><br>I am a member of Unite the union.  | 08/08/2023 |
| <a href="#">Bushra Bi</a>         | Lab             | Allowance for role as a Councillor  | None   | None         | Dispensation Granted by Monitoring Officer for Home Address.  | None  | None                   | None          | Member of the Labour Party<br><br>Member of unite the union   | 19/07/2023 |
| <a href="#">Sir Albert Bore</a>   | Lab             | I receive an allowance for my role as a Councillor and Chair of Co-ordinating Overview & Scrutiny Committee   | None   | None         | Dispensation Granted by Monitoring Officer for Home Address.  | None  | None                   | None          | Unpaid board member, appointed by Birmingham City Council:<br><br>Colmore Business District Ltd<br>Westside Partnership Ltd<br>B: Music Ltd<br><br>I am a member of the Labour Party  | 01/07/2023 |
| <a href="#">Nicky Brennan</a>     | Lab             | Director at Baby Aid Birmingham CIC<br>Councillor Birmingham City Council   | Birmingham Labour Party  | N/A          | Dispensation Granted by Monitoring Officer on home address.   |   | N/A                    | N/A           | Council Appointments:<br><br>Director of Southside BID<br><br>Member of the Regional Employers Organisation Board.<br><br>I am a member of Unison West Midlands<br><br>I am a member of the Labour Party  | 29/11/2023 |
| <a href="#">Kerry Brewer</a>      | Con             | Manager of Holloway Hall<br><br>Employed by Holloway Hall Community Association<br><br>30 hours per week<br><br>Managing the building, i.e., risk assessments, repairs, party bookings, support user groups and arrange community days                      |  |              | Dispensation Granted by Monitoring Officer for home address.  |   |                        |               | Volunteer Manage:<br><br>Milebrook Hall and Long Nuke Hall<br><br>Member of<br><br>WVCPCC<br><br>Stonehouse Gang<br><br>Lapel Canal Trust<br><br>I am a member of the Conservative Party  | 02/08/2023 |
| <a href="#">Marje Bridle</a>      | Lab & Co-op     | Retired<br>In Receipt of West Midlands Pension Fund pension.<br><br>Partner is Principal Consultant, Aston Research Associates (sole trader business)   | Contribution to election expenses 2022 from GMB and Co-operative Party<br><br>Contribution to election expenses 2022 and when needed, campaign expenses from Birmingham Labour Group campaign fund | None         | I live at 23 Hawthorn Road, Wylde Green, Sutton Coldfield, B72 1ES  | None except<br>Partner – Aston Research Associates rents an office at Suite 1, Sovereign House, Gate Lane, Sutton Coldfield B73 5TT from the landlords Kathleen Taylor SIPP | None                   | None          | Trustee and I am appointed by Birmingham City Council to:<br><br>Castle Bromwich Hall and Gardens Trust<br><br>Birmingham Airport Community Trust Fund<br><br>I am a Governor – Community Member – of Lea Forest Primary Academy<br><br>I am a member of Unison<br><br>I am a member of the National Trust<br><br>I am a member of the Royal Botanic Gardens, Kew | 09/07/2023 |
| <a href="#">Martin Brooks</a>     | Lab & Co-op     | Member, West Midlands Pension Fund  | None   | None         | I live at 88 Lordswood Road, Birmingham, B17 0BY, which I jointly own   | None  | None                   | None          | I am a Trustee of 'On The Edge' Fusion Youth Orchestra.<br><br>I am a Guardian, Birmingham Gun Barrel Proof House, appointed by the City Council.<br><br>I am a member of the Labour Party  | 25/07/2023 |

| Councillor                      | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship   | 3. Contracts | 4. Land and Property   | 5. Licenses | 6. Corporate Tenancies | 7. Securities  | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|---------------------------------|-----------------|---|--|--------------|--|-------------|------------------------|--|---|------------|
|                                 |                 |   |  |              |  |             |                        |  | I am a member of the Co-operative Party<br>I am a co-opted governor of Welsh House Farm Community School<br>I am a member of the National Trust<br>I am a member of the Decorative Arts Society   |            |
| <a href="#">Mick Brown</a>      | Lab             | Councillor and Chair of Health and Adult Social Care Overview & Scrutiny Committee for which I receive an allowance.<br><br>I am a Project Officer for Homecare Group.<br><br>My wife is a Co-ordinator for Gateway Services. |  |              | Dispensation Granted by Monitoring Officer for Home Address.<br><br>Dispensation Granted by Monitoring Officer wife owns 50% share in property, Erdington Ward.                              |             |                        |  | I am a member of the Labour Party and Co-operative Party  | 21/06/2023 |
| <a href="#">Zaker Choudhry</a>  | LibDem          | Owner: Zak Motors, 136 Aubrey Road, Small Heath, Birmingham, B10 9DE<br><br>I receive an allowance as a Member of the Transport Delivery Overview and Scrutiny Committee, WMCA.   | N/A  | N/A          | I own and live at 136 Aubrey Road, Small Heath, Birmingham, B10 9DE<br><br>I have 50% share in 28 – 28B Bilton Grante Road, Birmingham, B26 2LB currently rented via letting agency.         | N/A         | N/A                    | N/A  | I am an appointed member of the Transport Delivery Overview and Scrutiny Committee, WMCA<br><br>I am a member of the Liberal Democrat Party.  | 08/08/2023 |
| <a href="#">Debbie Clancy</a>   | Con             | Husband – Director of Clancy Property Services<br><br>Myself as Secretary – Clancy Property Services<br><br>Myself as Director and Secretary – 8Lanes Limited   |  |              | Dispensation Granted by Monitoring Officer for property owned by Husband registered business address, Bournbrook & Selly Park Ward   |             |                        | Clancy Property Services Husband has 100% shareholding<br><br>8Lanes Limited, Myself as Director and Company Secretary has 100% shareholding | Kings Norton United Charities (Charity Number: 202225) Date of re-appointment: 14.02.2023<br><br>Clara Martineau Trust (Charity Number 1040051) Date of appointment 18 April 2017<br><br>I am a member of the Conservative Party  | 02/08/2023 |
| <a href="#">Liz Clements</a>    | Lab             | Not currently employed.<br>Former local government officer.<br><br>I receive a surviving spouse's pension in respect of my late partner's contribution to the Universities' Superannuation Scheme                             | None   | None         | Dispensation Granted by Monitoring Officer on home address   | None        | None                   | None   | Director of West Midlands Rail Executive<br><br>Trustee of the City of Birmingham Symphony Orchestra (BCC Nominee)<br><br>Board observer, Birmingham Opera Company (BCC Nominee)<br><br>Board observer, Ex Cathedra (BCC Nominee)<br><br>Regional Advisory Board member, Canal and River Trust West Midlands<br><br>Member of Unison<br><br>Trustee of Friends of Bournville Park | 15/09/2023 |
| <a href="#">Maureen Cornish</a> | Con             |   |  |              |  |             |                        |  | Sutton Park Advisory Committee<br><br>Member of the Conservative Party  | 15/08/2023 |
| <a href="#">John Cotton</a>     | Lab             | Councillor and Leader of the City Council.<br><br>Member Peer for the Local Government Association.<br><br>Wife is an officer of Birmingham City Council, Adult Social Care Directorate.                                      | Election expenses from:<br>Birmingham Hodge Hill and Birmingham Yardley Constituency Labour Parties.<br><br>Central Midlands Co-operative Party<br><br>GMB | None         | Dispensation Granted by Monitoring Officer on home address.<br><br>Dispensation Granted by Monitoring Officer on Rental property, owned by wife, rented via letting agents, Perry Barr Ward. | None        | None                   | None   | Member, West Midlands Combined Authority (WMCA) Board<br><br>Chair, WMCA Environment Board<br><br>Member, WMCA Public Service Reform Board<br><br>Member, WMCA HS2 Delivery Board<br><br>Member, WMCA Strategic Economic Delivery Board<br><br>Local Government Association – General Assembly<br><br>Vice-Chair, West Midlands Employers Management Board                        | 04/03/2024 |

| Councillor                  | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship   | 3. Contracts | 4. Land and Property  | 5. Licenses | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|-----------------------------|-----------------|--|--|--------------|---|-------------|------------------------|---------------|--|------------|
|                             |                 |  |  |              |   |             |                        |               | Director, West Midlands Growth Company Ltd<br>Director, Greater Birmingham & Solihull Local Enterprise Partnership Ltd<br>Substitute Director, West Midlands Rail Ltd (W M R Ltd) Board<br>LGA City Regions<br>City Centre Strategic Board<br>Warwickshire County Cricket Club (General Committee)<br>Trustee, Birmingham Settlement<br>Chair, Labour Housing Group<br>Vice-Chair, Birmingham and West Midlands Fabian Society<br>Member, The Labour Party<br>Member, The Cooperative Party<br>Member, GMB<br>Member, Unite<br>Member, Socialist Health Association<br>Member, The Fabian Society<br>Member, Aston University School of Social Sciences and Humanities Advisory Board<br>Honorary Membership of Lunar Society. |            |
| <a href="#">Phil Davis</a>  | Lab             | Member West Midlands Employment Tribunals (fee paid office)<br><br>Partner is Independent Chair, Audit Committee, Police & Crime Commissioner's Office.                                | There has been no election in the period in question. Billesley Branch Labour Party receives occasional payments from Birmingham Labour Group of Councillors towards Billesley Ward councillor information leaflets. | None         | Owner/occupier (with wife) 23 Bach Mill Drive, B28 0XN;<br><br>Joint owner (with wife) of 208 Islington Gates, 6 Fleet Street B3 1JH, formerly rented out directly by myself and my wife. I Chair Islington Gates Residents Leaseholder Management Company (unremunerated). | None        | None                   | None          | Jewellery Quarter Development Trust; Islington Gates Management Company.<br>I am an appointed member of the Chamberlain Highbury Trust. I am an appointed member of the Birmingham Museums Trust. I am an appointed member of the Birmingham Civic Society.<br>Billesley Ward Labour Party (Chair);<br>Member of :-<br>The Co-operative Party;<br>GMB trade union;<br>Unlock Democracy;<br>Railfuture;<br>Amnesty International;<br>The Fabian Society;<br>English Heritage;<br>Friends of Birmingham Museums;<br>Vintage Trains CIC   | 17/07/2023 |
| <a href="#">Jack Deakin</a> | Lab & Co-op     | Allowance paid for my role as a Councillor and Chair of Finance and Resources Overview & Scrutiny Committee.<br><br>Healthcare Assistant at University Hospitals Birmingham NHS Trust. | The Labour Party<br>The Co-Op Party<br>Labour First<br>Weoley & Selly Oak Branch Labour Party<br><br>Northfield Constituency Labour Party  |              | Dispensation Granted by Monitoring Officer on Home Address  |             |                        |               | Unpaid Director at Northfield BID<br><ul style="list-style-type: none"> <li>• I am a member of</li> <li>• The Labour Party</li> <li>• The Co-Operative Party</li> <li>• Labour First</li> <li>• Progressive Britain</li> <li>• LGBT+ Labour</li> <li>• Jewish Labour Movement</li> </ul> I am also an elected member (West Midlands Rep) of Labour's National Policy Forum.  | 04/07/2023 |

| Councillor                      | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship  | 3. Contracts  | 4. Land and Property  | 5. Licenses   | 6. Corporate Tenancies   | 7. Securities                           | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|---------------------------------|-----------------|---|---|---|---|---|--|---|---|------------|
|                                 |                 |   |   |   |   |   |  |   | I represent Local Government on LGBT Labour's National Committee.<br>Trustee of Allens Cross Community Association  |            |
| <a href="#">Adrian Delaney</a>  | Con             | City Councillor<br>Birmingham City Council<br>Part time work for Gary Sambrook MP   | Northfield Conservative Association   |   |   |   |  |   | I am appointed by Birmingham City Council to the Scout Association<br>I am a member of the Conservative Party   | 18/07/2023 |
| <a href="#">Diane Donaldson</a> | Lab             | Rental Income   | Travelling expenses from Sutton Coldfield Charitable Trust                                | None  | Dispensation Granted by Monitoring Officer on Home Address<br>Dispensation Granted by Monitoring Officer for property owned, Short term rental Shard End Ward – No Housing Benefit is claimed for this property.<br>Dispensation Granted by Monitoring Officer for property owned, rented out privately, Nechells Ward – No Housing benefit is claimed for this property. | None  | None   | None                                    | Unpaid Directorship - Castle Bromwich Hall and Gardens Trust.<br>I am a Trustee of:<br>Sutton Coldfield Charitable Trust<br>Clara Martineau Trust<br>Birmingham Bodenham Trust<br>The Lord Mayor of Birmingham's Charity<br>Foundation for Conductive Education (NICE)  | 12/07/2023 |
| <a href="#">Barbara Dring</a>   | Lab             | Allowance as a Councillor   |   |   | Dispensation Granted by Monitoring Officer for Home Address.  |   |  |   | Member of GMB union<br>Member of the Labour Party   | 20/06/2023 |
| <a href="#">Sam Forsyth</a>     | Lab & Co-op     | I receive an allowance as a Councillor and Chair of Licensing Sub Committee.<br>Barrister-at-Law  | The Labour Party<br>The Co-op Party<br>GMB – Trade Union<br>Socialist Health Association. | N/A   | N/A   | Dispensation Granted by Monitoring Officer for home address | N/A  | N/A                                     | West Midlands Police and Crime Panel<br>I am a member of the Labour Party<br>I am a member of the Co-operative Party<br>I am a member of GMB union<br>I am a member of the Socialist Health Association   | 25/07/2023 |
| <a href="#">Jayne Francis</a>   | Lab             | Cabinet Member – Housing & Homelessness   | None  | None  | Dispensation Granted by Monitoring Officer for home address   | None  | None   | None                                    | Director: West Midlands Arts Trust<br>Director: Harborne BID<br>Director: Ikon Gallery Ltd<br>Director: Westside Partnership BID Ltd<br>Director: The Rep Theatre Ltd<br>Arts Council England – Midlands Area Council<br>WMCA – Housing & Land Delivery Board<br>SIFA Fireside<br>Association of Retained Council Housing Ltd (ARCH)<br>The Labour & Co-operative Party   | 11/10/2023 |
| <a href="#">Ray Goodwin</a>     | Lab             | I am employed as CEO of Spitfire Services a charity based in Castle Vale.<br>This includes: Castle Vale Swimming pool Upcycle Birmingham C.I.C a trading Social Enterprise.<br>My wife is employed by Birmingham City Council within Benefits Services.<br>I am also Chief whip of Birmingham labour group. | N/A   | Whilst in my personal capacity as a Councillor there are no contracts, the organisation I work for Spitfire Services are contracted by Birmingham City Council to deliver Money Advice Service.<br>Spitfire Services also have contracts to deliver the Cost- | Dispensation Granted by Monitoring Officer for home address.  | I have no licenses with Birmingham City Council             | Spitfire Services have a 25 year Asset transfer lease for Castle Vale Swimming Pool. | I don't have any equity in any business | I am a trustee of New Roots Charity; a charity to support homeless people.<br>I am also a director Community Engagement services cic<br>Company Secretary Upcycle Birmingham C.I.C (a training subsidiary of Spitfire Services).<br>Aston Villa Safety Advisory Group<br>West Midlands Pension Fund<br>I am a trustee of New Roots a homeless charity supporting vulnerable adults.<br>I am also Chief whip of Birmingham labour group<br>I am a member of the Labour party.<br>I am a member of Unite the Union. | 17/08/2023 |



| Councillor                      | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship | 3. Contracts  | 4. Land and Property   | 5. Licenses | 6. Corporate Tenancies | 7. Securities                                      | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|---------------------------------|-----------------|---|----------------|---|--|-------------|------------------------|--|---|------------|
|                                 |                 |   |                | of- Living emergency response including Warm Welcome Hub. Spitfire Services also run Castle vale library and also run Castle Vale Pool as a community Asset Transfer. |  |             |                        |  |   |            |
| <a href="#">Rob Grant</a>       | Green           | Lecturer at South & City College Birmingham   | N/A            | N/A   | I own a house freehold at 126 Kings Road, Kings Heath B14 6TN<br>This is my home.  | N/A         | N/A                    | N/A  | N/A   | 17/07/2023 |
| <a href="#">Colin Green</a>     | Lib Dem         | None  | None           | None  | I live at 53 Durley Dean Road, Birmingham, B29 6SA<br><br>Dispensation Granted by Monitoring Officer on family property  | None        | None                   | None   | I am a trustee of Birmingham Airport Charitable Trust   | 05/07/2023 |
| <a href="#">Fred Grindrod</a>   | Lab             | I work as Principal Official (Campaigns and Communications) for the NASUWT<br><br>My partner is a Teacher, Kings Norton Boys School   | None           | None  | Dispensation Granted by Monitoring Officer for home address.   | None        | None                   | None   | I am a Director of the Labour Research Department.<br><br>I am an appointed Director of CSR City Limited and of the West Midlands Europe Hub.<br><br>I am a member of <ul style="list-style-type: none"> <li>• The GMB Union</li> <li>• The Labour Party</li> <li>• Association of Labour Councillors</li> <li>• Christians on the Left,</li> <li>• The National Trust</li> </ul>   | 06/07/2023 |
| <a href="#">Roger Harmer</a>    | Lib Dem         | I am a Director of Sustaining Success Ltd<br><br>Wife is a teacher at Thornton Primary School.  | N/A            | N/A   | I own 83 Hazelwood Road, Acocks Green, B27 7XW   | N/A         | N/A                    | I own 100% of the shares in Sustaining Success Ltd | I am a Trustee of Charles Lane Trust<br><br>I am a Governor of Acocks Green Primary School<br><br>I am a member of the Liberal Democrats (currently chair of Yardley Liberal Democrats).<br><br>I am a member of Amnesty International.<br><br>I am a member of Acocks Green Focus Group.<br><br>I am a member of the Friends of Acocks Green Recreation Ground.  | 11/07/2023 |
| <a href="#">Deborah Harries</a> | Lib Dem         | Exit Productions (theatre company):<br><br>Adrian Kimberlin (Partner) – Writer/Composer<br><br>Deborah Harries - Producer<br><br>Received Sir Barry Jackson Trust (The Rep) grant (July 2023) to support current musical production 'After This Plane has Landed' | N/A            | N/A   | Dispensation Granted by Monitoring Officer on home address.<br><br>This Victorian property is due to benefit from a Birmingham City Council Green Homes Grant to improve its current energy efficiency rating of F (September 2023)<br><br>We also own 4 Farthing Place, 46 Newhall Hill, Jewellery Quarter, Birmingham, B1 3JN and rent it out to a long-term private tenant via Maguire Jackson. | N/A         | N/A                    | N/A  | Yardley Great Trust – unpaid board member appointed by Birmingham City Council.<br><br>Founder and Chair of the Friends of Acocks Green Recreation Ground<br><br>The voluntary community group has been in receipt of Birmingham City Council funding and works such as celebrating communities Fund, Birmingham Open Spaces Forum volunteer hours/monthly payment for parks equipment, planting etc, plus blossom trees from the 2023 National Trust Project.<br><br>Committee Member of Yardley Conservation Society, which has been in receipt of, and applied for, Birmingham City Council's Celebrating Communities/Beyond Birmingham Fund to improve Old Yardley Park in the Conservation Area.<br><br>I am a member of the Liberal Democrat Party. | 17/07/2023 |

| Councillor                      | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship   | 3. Contracts | 4. Land and Property   | 5. Licenses | 6. Corporate Tenancies   | 7. Securities        | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|---------------------------------|-----------------|--|--|--------------|--|-------------|--|----------------------|--|------------|
| <a href="#">Kath Hartley</a>    | Lab             | N/A  | N/A  | N/A          | I live at 31 Statham Drive Birmingham, B16 0TF<br><br>Which I jointly own with David Dennick | N/A         | David Dennick, partner, rents a BCC allotment plot at the Harborne Hill Allotments | N/A                  | Friends of Birmingham Museums & Art Galleries<br>The Labour Party<br>Unite the Union<br>Ladywood Community Project Advisory Group<br>Friends of Chamberlain Gardens Park   | 02/08/2023 |
| <a href="#">Adam Higgs</a>      | Con             | Senior Caseworker<br>Suzanne Webb MP<br><br>My Partner is a Trainee Dispensing Optician for Pabari Opticians | Conservative Party<br><br>Birmingham Selly Oak Conservatives |              | Dispensation Granted by Monitoring Officer for Home Address                                  |             |  |                      | City Governor for the Birmingham Midlands Institute (BMI)<br><br>Conservative Party Member<br><br>President of Warstock Community Centre<br><br>In my role as ward Councillor I attend meeting of Friends of Daisy Farm Park.  | 26/02/2024 |
| <a href="#">Des Hughes</a>      | Lab             | Support Officer  | The Labour Party   | None         | Flat 27 Kendal Court, B23  | None        | None   | None                 | Board of the Birmingham Royal Ballet<br><br>Barry Jackson Trust  | 25/06/2022 |
| <a href="#">Jon Hunt</a>        | Lib Dem         | Director, Englemed Ltd   | None   | None         | 52 Perry Avenue, B42 2NE owner and occupied.   | None        | None   | Englemed Ltd. Owner. | Birmingham and Midland Institute<br>Birmingham Civic Society<br>Calshot School GB<br>3Bs Neighbourhood Planning Forum – treasurer<br>Liberal Democrats – branch treasurer<br>Rocky Lane Neighbourhood Watch – acting treasurer<br>Trustee:<br>Birmingham Lord Mayor's Charities<br>Thomas Dole Charities<br>Member – Beeches Evangelical Church<br>Green Liberal Democrats<br>The National Trust<br>The National Liberal Club<br>The National Club   | 01/11/2023 |
| <a href="#">Mahmood Hussain</a> | Lab             | Councillor for Birmingham City Council<br><br>Work pension from West Midlands Pension Fund                   | Received election expenses from the Labour Party             | None         | I live at 39 Wellesbourne Road, Handsworth, Birmingham, B20 3TH                              | None        | None   | None                 | Member of Unite Union<br>Member of Labour Party<br>Member of Islamic Welfare Association<br>Member of the Lunar Society<br>Member of Pakistan National Heart Association<br>Member of National Forum of Pakistani Councillors<br>Member of Muslim Friends of Labour<br>Member of West Midlands Health Association<br>West Midlands Pension Fund (Receiving Work Pension) - pecuniary interest.<br>Member of Perry Barr Neighbourhood Network Service<br>Member of British Pakistani Mayors' Association also elected Chairman for West Midlands Region<br>Appointed Executive Member of Labour Muslim Forum<br>Daughter Teaches at one of the schools<br>Daughter in Law works at one of the schools as a lunchtime supervisor.<br>Issued National Concessionary Travel Pass by West Midlands Combined Authority.<br>Member of Labour First.<br>Appointed person for Birmingham Asian Resource Centre. | 28/02/2024 |



| Councillor                       | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship   | 3. Contracts | 4. Land and Property  | 5. Licenses | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|----------------------------------|-----------------|--|--|--------------|---|-------------|------------------------|---------------|--|------------|
| <a href="#">Mumtaz Hussain</a>   | LibDem          | Myself: Word 360 – Interpreting<br>AirBNB (Rental)   | N/A  | N/A          | Dispensation Granted by Monitoring Officer for home address.<br><br>Dispensation Granted by Monitoring Officer on rental property, Kingstanding Ward, privately rented.   | N/A         | N/A                    | N/A           | I am a member of the Liberal Democrat Party<br><br>I am a member of CWU (Communications Workers Union)   | 31/08/2023 |
| <a href="#">Shabrana Hussain</a> | Lab             | None   | None   | None         | Dispensation Granted by Monitoring Officer on home address.<br><br>Dispensation Granted by Monitoring Officer on property Partner owns, privately rented out, Tyseley & Hay Mills Ward.<br><br>Dispensation Granted by Monitoring Officer on property Partner owns, privately rented out, Sparkbrook & Balsall Heath East Ward. | None        | None                   | None          | I am a member of the Labour Party  | 01/09/2023 |
| <a href="#">Timothy Huxtable</a> | Con             | I receive an allowance as Councillor and Shadow Cabinet Member for Transport.<br><br>Basic Allowance for member on Transport Delivery O & S Committee, West Midlands Combined Authority.<br><br>SRA Allowance as Lead Member for Rail, Metro & Sprint, TDOSC, WMCA<br><br>Partner – Diocesan Officer, Church of England, Birmingham. | Hall Green Constituency Conservative Association               | n/a          | I live at 76 Dalbury Road, Hall Green, Birmingham, B28 0NF<br><br>Partner – N/A   | n/a         | n/a                    | n/a           | I am an appointed member of the Transport Delivery Overview & Scrutiny Committee of West Midlands Combined Authority<br><br>I am a member of the Conservative Party<br><br>LA Governor, St Ambrose Barlow, Catholic Primary School, 841 Shirley Road, Hall Green, B28<br><br>Member of the WMCA's Bus Alliance (Substitute for Andy Street)<br><br>I am a member of the Conservative Councillors Association (CCA) | 21/06/2023 |
| <a href="#">Mohammed Idrees</a>  | Lab             | I am a full time Councillor and have no paid employment.<br><br>Member of Local Government Pension Fund and West Midlands Local Government Pension Fund.<br><br>My wife works at Bordesley Green Girls School & Sixth Form as a Teaching Assistant.  | My election expenses 3 May 2022 were paid by the Labour Party. | None         | My wife and I live at 203 College Road, B8 3TH. Family home owned by my elder brother.<br><br>My wife and I own 171 Ward End Park, B8 2XA which we are renting out to tenants.<br><br>It is not Let as an HMO or Exempt Accommodation   | None        | None                   | None          | I am a Board Member and Director at Birmingham Voluntary Service Council appointed by Birmingham City Council.<br><br>I am a member of the Labour Party and Unite Union.<br><br>I am a member of Progress, an organisation within the Labour Party promoting progressive Politics.<br><br>I am a member of Adderley School Friends of Adderley Park.   | 06/07/2023 |
| <a href="#">Zafar Iqbal</a>      | Lab             | Courier for Evri, self employed.   | None   | None         | I live at 29 Horse Shoes Lane, B26 3HS.<br><br>I own 45 Geraldine Road, B25 8BE. It is rented to a private tenant via Very Nice Homes.  | None        | None                   | None          | I am a trustee of Hay Mills Foundation Trust.<br><br>Trustee at Sheldon Schools<br><br>Bodenham Trust<br><br>Yardley Great Trust<br><br>LEA Governor at St Bernadette's Catholic School<br><br>Martineau Trust<br><br>Member of GMB Union<br><br>Muntz Trust<br><br>I am a Member of the Labour Party.   | 19/10/2023 |
| <a href="#">Katherine Iroh</a>   | Lab             | I work at Hal Green Secondary School (an Academy) as a part-time teacher.<br><br>My husband works as Health and Safety Compliance Manager for Aspirations Care Ltd.  | None   | None         | I and my husband own and live at 219 Lindsworth Road, Birmingham, B30 3SD   | None        | None                   | None          | I am a member of NASUWT<br><br>I am a member of the Labour Party.  | 23/06/2023 |

| Councillor                       | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship   | 3. Contracts | 4. Land and Property  | 5. Licenses | 6. Corporate Tenancies | 7. Securities  | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|----------------------------------|-----------------|---|--|--------------|---|-------------|------------------------|--|---|------------|
| <a href="#">Ziaul Islam</a>      | Lab             | Consultant Solicitor,<br>Fountain Solicitors, 3 Trinity Road,<br>Birmingham, B6 6AH<br><br>I receive an allowance as a Councillor   | N/A  | N/A          | 23 and 25 Yateley Crescent,<br>Birmingham, B42 1JG<br><br>I receive rent from 23 Yateley Crescent, which is in my sole Name, while I live in the property at 25 Yateley Crescent.   | N/A         | N/A                    | N/A  | Member of Unison<br>Member of Labour Party  | 17/07/2023 |
| <a href="#">Morriam Jan</a>      | Lib Dem         | Director of Jan Consultancy, which provides business support to organisations in business start-up, marketing and promotions.<br><br>I receive an allowance as a Councillor and Deputy Leader of the Liberal Democrat Group.  | N/A  | N/A          | N/A   | N/A         | N/A                    | N/A  | Trustee of YouCan Board<br>I am a member of the Liberal Democrat Party  | 16/08/2023 |
| <a href="#">Kerry Jenkins</a>    | Lab             | Employed by Unite the Union as CYNP Sector Development Assistant  |  |              | Dispensation Granted by Monitoring Officer on home address.   |             |                        |  | I am a Trustee of Birmingham Retirement Council<br>Trustee at Moseley in Bloom<br>I am a Member of Labour Party<br>I am a Member of Unite Union   | 31/07/2023 |
| <a href="#">Meirion Jenkins-</a> | Con             | Rapid Computing Ltd – Director<br>AX Software Ltd – Director<br>Mill Street Property Ltd – Director<br>Mill Street Holdings Ltd – Director<br>HH Evolutions Ltd – Director<br>Altara Software Ltd – Director<br>Dynamics 365 International Ltd - Director<br>BCC Councillor inc pension scheme<br>Mrs Kay Jenkins receives remuneration from me and some or all of the companies above. | Leaflets and other materials provided by Conservative Party.                                 |              | I live in and own 31 Jordan Road Sutton Coldfield B75 5AD   |             |                        | I hold shares in in the companies referred to in the employment section above except the pension scheme.<br><br>I hold securities in listed companies that may have a place of business in Birmingham and whose nominal value and market value may exceed £25K | I am a member of the Conservative Party.  | 25/06/2023 |
| <a href="#">Brigid Jones</a>     | Lab & Co-op     | Councillor, Birmingham City Council<br>Board member and ad-hoc peer, Local Government Association<br>West Midlands Combined Authority Audit Committee   | Election expenses from the Labour Party and Cooperative Party<br><br>Donation from GMB union | None         | Dispensation Granted by Monitoring Officer for Home Address.<br><br>Dispensation Granted by Monitoring Officer on co-owned property, Stirchley Ward.  | None        | None                   | None   | Director, Birmingham Airport Holdings Limited<br>Director, Aston University Maths School<br>Director, Colmore Business District<br>- All appointed by BCC<br>West Midlands Combined Authority Audit Committee<br>Member, Labour Party<br>Member, Cooperative Party<br>Member, Community Union | 03/07/2023 |
| <a href="#">Jane Jones</a>       | Lab             | None  | None   | None         | I live at 40 Hart Road, B24 9ES which I own outright.<br><br>I also part own with my brother and my late brother's widow 11a Milverton Road, B23 6ER<br><br>My surviving brother lives in the property and there is no financial income from the property for myself. | None        | None                   | None   | I am a member of the National Trust<br>I am a member of the Labour Party<br>I am a member of Unison<br>I am a member of Friends of the Earth<br>I donate regularly to:<br>WWF<br>UNICEF<br>World Animal in Action<br>Cats Protection  | 14/07/2023 |

| Councillor                           | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship                          | 3. Contracts | 4. Land and Property  | 5. Licenses  | 6. Corporate Tenancies   | 7. Securities                      | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|--------------------------------------|-----------------|---|---|--------------|---|--|--|------------------------------------|---|------------|
| <a href="#">Amar Khan</a>            | Lab             | I receive an allowance as a Birmingham City Councillor.<br><br>I receive income from rental properties.   | N/A                                     | N/A          | Dispensation Granted by Monitoring Officer on home address.<br><br>Private Rented Commercial Property 200 Slade Road, B23 7RJ<br><br>HMO rented via Lettings Agency 214 Slade Road, B23 7RJ<br><br>HMO rented via Lettings Agency 32 Oval Road, B24 8PL   | N/A  | N/A  | N/A                                | I am a member of the Labour Party<br><br>I am a member of Unite Union   | 01/08/2023 |
| <a href="#">Ayoub Khan</a>           | Lib Dem         | Barrister<br><br>Chambers of Ayoub Khan Ltd<br><br>SSM21 Ltd Director<br><br>Income received from rental properties   | N/A                                     | None         | Dispensation Granted by Monitoring Officer for home address.<br><br>Dispensation Granted by Monitoring Officer for rented property, rented via agents, Aston Ward<br><br>Dispensation Granted by Monitoring Officer for rented property, rented via agents, Aston Ward<br><br>Dispensation Granted by Monitoring Officer for rented property, rented via agents, Aston Ward | N/A  | None   | 100% in Chambers of Ayoub Khan Ltd | Aston Villa Safety<br><br>Member of Lib Dem Party<br><br>Bar Council  | 19/07/2023 |
| <a href="#">Mariam Khan</a>          | Lab             | Husband – HMRC<br><br>Councillor  | N/A                                     | N/A          | Dispensation Granted by Monitoring Officer  | N/A  | N/A  | N/A                                | Director – Norton Hall Children’s Centre<br><br>Trustee – AKWA<br><br>Member – Unite Union  | 10/09/2019 |
| <a href="#">Saqib Khan</a>           | Lab             | I receive an allowance as a Councillor for Birmingham City Council<br><br>Employed as a supervisor at a facilities management and professional services company, details of which have been supplied to the Monitoring Officer.   | Labour Party provision of Ward Leaflets | N/A          | Dispensation Granted by Monitoring Officer for home address   | N/A  | N/A  | N/A                                | I am a member of the Labour Party<br><br>I am a member of UNITE Union   | 08/08/2023 |
| <a href="#">Izzy Knowles</a>         | LibDem          | My husband and I are both in receipt of a pension form West Midlands Police.  | None                                    | N/A          | My husband and I jointly own and live at 69 Greenhill Road, Moseley, B13 9SU.   | N/A  | N/A  | N/A                                | I am an unpaid director of Moseley Farmers Market<br><br>Trustee of Elizabeth Dowell Trust, Alms House<br><br>Trustee of Brummie Cup<br><br>Trustee of the Birch Network (Refugee charity)<br><br>Vice Chair of Friends of Windermere Fields<br><br>Committee member of Moseley in Bloom<br><br>Member of the Liberal Democrats<br><br>Elected council member of the European Movement<br><br>Member of the National Trust<br><br>Member of Birmingham & Black Country Wildlife Trust | 17/07/2023 |
| <a href="#">Narinder Kaur Kooner</a> | Lab             | Birmingham City Councillor<br><br>Non-Executive Director at West Midlands Ambulance Service<br><br>Manager – Positive Living & Wellbeing Group<br><br>Husband is the proprietor of Fresh & Local<br><br>Allowance for role on West Midlands Transport Delivery Committee. | Labour Party                            |              | Dispensation Granted by Monitoring Officer on home address.<br><br>Dispensation Granted by Monitoring Officer for property, jointly owned premises, husband’s business, Handsworth Wood Ward.<br><br>Dispensation Granted by Monitoring Officer for property, jointly owned, and privately rented out, Handsworth Ward.   | My husband and I have a personal and premises licence to operate an off licence.<br><br>Dispensation granted by Monitoring Officer for property, jointly owned premises, husband’s business, | Friends of Hamstead Pavilion have a lease for the Hamstead Pavilion. |                                    | I am a member of the West Midlands Transport Delivery Committee.<br><br>I am a Director of BCG Lakes and BCG Woods<br><br>I am on the committee of Friends of Hamstead Pavilion<br><br>I am a member of the Labour Party<br><br>I am a member of Unite the Union  | 12/10/2023 |

| Councillor                        | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship  | 3. Contracts | 4. Land and Property  | 5. Licenses           | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|-----------------------------------|-----------------|--|---|--------------|---|-----------------------|------------------------|---------------|---|------------|
|                                   |                 |  |   |              |   | Handsworth Wood Ward. |                        |               |   |            |
| <a href="#">Kirsten Kurt-Elli</a> | Lab             | Partner's Employment: Director, The 1900 Creative Ltd  | My sponsorship: <ul style="list-style-type: none"> <li>GMB Union - West Midlands Region</li> <li>Birmingham Labour Group</li> </ul> Partner's sponsorship: <ul style="list-style-type: none"> <li>Unison</li> <li>GMB</li> <li>The Co-operative Party</li> <li>Birmingham Labour Group</li> </ul> | N/A          | Dispensation Granted by Monitoring Officer for home address.  | N/A                   | N/A                    | N/A           | Memberships: <ul style="list-style-type: none"> <li>GMB Member</li> <li>Labour Party Member <ul style="list-style-type: none"> <li>Labour Party</li> <li>Labour Women's Network Member</li> <li>Labour Party Irish Society Member</li> <li>LGBT Labour Member</li> </ul> </li> <li>Co-operative Party Member</li> <li>Friends of Northfield Station Member</li> <li>Northfield BID Board</li> </ul>   | 05/03/2024 |
| <a href="#">Chaman Lal</a>        | Lab             | Partner's Business Uplands Fruit and Veg   | Birmingham Labour Group Fund  | None         | Dispensation Granted by Monitoring Officer for home address<br><br>Dispensation Granted by Monitoring Officer for property jointly owned with wife, which is occupied by family member, not rented, Handsworth Wood Ward. | None                  | None                   | None          | I have been given numerous honorary positions as part of my Lord Mayoralty role 2023/24<br><br>I am council representative on the Soho Road BID<br><br>I am a member of Unite trade union.<br><br>One of my family member is a member of the staff in the City Housing BCC.   | 19/07/2023 |
| <a href="#">Bruce Lines</a>       | Con             | Employment, Bruce Lines, Workshop Manager Northfield Car Care Centre, Bristol Road South, Northfield.<br><br>Wife Employment, Manager, Rubery Late Night Pharmacy, New Road, Rubery.   | None  | None         | I jointly own with my wife 6 Pine Woods, Bartley Green, Birmingham, B32 3RD   | None                  | None                   | None          | I am a Member of Bartley Green Library Community Hub<br><br>I am an unpaid trustee at Holloway Hall Community Centre.<br><br>I am a member of Bartley Green Housing Liaison Board.<br><br>I am a Member of the Conservative Party.  | 17/08/2023 |
| <a href="#">Mary Locke</a>        | Lab             | Allowance for role as a Councillor<br><br>Allowance for role as on WMCA – Transport Delivery Overview and Scrutiny Committee, Lead Member<br><br>Receive an NHS Pension from 2018  | Cooperative Party<br><br>UNISON<br><br>GMB  | N/A          | Dispensation Granted by Monitoring Officer for home address   | N/A                   | N/A                    | N/A           | I am an appointed member of: <ul style="list-style-type: none"> <li>Birmingham Midland Institute (BMI)</li> <li>Muntz Trust</li> <li>WMCA – Transport Delivery Overview and Scrutiny Committee, Lead Member.</li> </ul> I am a member of Trade Unions: UNISON and GMB<br><br>Member of Labour Party<br><br>Member of Co-operative Party<br><br>I am a member of Fabian Society.<br><br>I attend the LDPG police meeting.<br><br>I am a governor of Stinchley School | 26/02/2024 |
| <a href="#">Ewan Mackey</a>       | Con             | <ul style="list-style-type: none"> <li>Director of Professional DVD Services Ltd</li> <li>Commercial Manager Holywell International Ltd,</li> <li>City Councillor Birmingham City Council where I am Deputy Leader of the Conservative Group,</li> <li>Town Councillor Royal Sutton Coldfield Town Council</li> </ul> Spouse: <ul style="list-style-type: none"> <li>Company Secretary Professional DVD Services Ltd,</li> </ul> | Election expenses from Sutton Coldfield Conservative Association  |              | I live at 126 Lichfield Road, Sutton Coldfield, B74 2TA.<br><br>I own 12 Combine Close, Sutton Coldfield, B75 5TP and rent the property to a private tenant via Anderson Residential Lettings.                            |                       |                        |               | Unpaid board member of B:Music Ltd<br><br>I am an appointed member of B:Music Ltd, Birmingham City Centre Strategic Partnership and WMCA Overview and Scrutiny Committee<br><br>I am a member of the National Trust<br><br>I am a member of the Conservative Party and Sutton Coldfield Conservative Association  | 22/06/2023 |

| Councillor                       | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship   | 3. Contracts | 4. Land and Property  | 5. Licenses | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|----------------------------------|-----------------|--|--|--------------|---|-------------|------------------------|---------------|---|------------|
|                                  |                 | <ul style="list-style-type: none"> <li>Marketing Manager &amp; Shareholder Holywell International Ltd,</li> <li>Shareholder of Holywell Engineering Ltd,</li> <li>Trustee of SSAS Pension Fund.</li> </ul> |  |              |   |             |                        |               |   |            |
| <a href="#">Basharat Mahmood</a> | Lab             | Allowance as Councillor<br>Allowance for role as Lead Member for West Midlands Fire and Rescue Authority   | Labour Party   | N/A          | Dispensation Granted by Monitoring Officer for home address.  | N/A         | N/A                    | N/A           | I am appointed Lead Member for the West Midlands Fire & Rescue Authority.<br>I am a member of the Labour Party.<br>I am a member of UNITE Union and Branch Secretary.<br>Member of the Regional Unite Union Political Committee.  | 21/06/2023 |
| <a href="#">Majid Mahmood</a>    | Lab             | Partner at England, Stickland and Neale Solicitors<br>Wife, Legal Assistant, England, Stickland and Neale Solicitors.  | the Labour Party   | None         | I live and own 46 Primley Avenue, Hodge Hill, Birmingham, B36 8JQ   | None        | None                   | None          | I am an appointed member of the West Midlands Combined Authority Energy and Environment Board<br>Appointed Chair of the Tyseley Strategic Alliance Board<br>Appointed Chair of the City of Nature Programme Board<br>I am a member of the Labour Party<br>I am a member of the Society of Labour Lawyers<br>I am a member of UNITE<br>I am a member of UNISON<br>I am a member of the Birmingham Law Society<br>I am a member of the Panyam Burial Society<br>I am a member of the Castle Bromwich Hall and Gardens Trust | 01/03/2024 |
| <a href="#">Rashad Mahmood</a>   | Lab             | Allowance as a Councillor.<br>Income received from rental property   | N/A  | N/A          | I own 33 Arcot Road, Hall Green, B28 8LY, and rent the property privately to a family.<br>I live at 17 Esme Road, Sparkhill, Birmingham, B11 4NH, in my brothers house. | N/A         | N/A                    | N/A           | I am a member of the Labour Party   | 21/06/2023 |
| <a href="#">Lee Marsham</a>      | Lab             | Orbit Group – External Affairs Manager<br>Partner – Humane League UK   | Birmingham Ladywood CLP<br>GMB Union   | N/A          | Dispensation Granted by Monitoring Officer on home address.   | N/A         | N/A                    | N/A           | Trustee of Aston Students Union<br>Co-opted Board Member of Bloomsbury EMB<br>Member of:<br><ul style="list-style-type: none"> <li>Labour Party</li> <li>GMB Union</li> <li>Labour Housing Group</li> <li>Labour Business</li> <li>Aston Villa Supporters Trust</li> <li>Football Supporters Association</li> <li>Love Brum</li> </ul> Friends of the Canal and Rivers Trust.<br>Ambassador for free@last<br>Ambassador for Nechells Primary E-ACT Academy and Heartlands Academy   | 15/01/2024 |
| <a href="#">Karen McCarthy</a>   | Lab             | Self: None<br>Spouse: Labour Party Organiser   | Election expenses and campaign costs:<br>The Labour Party<br>The Co-operative Party<br>Election expenses:<br>GMB Union | None         | Home address owned by self and spouse: 90 Bournbrook Road, B29 7BU  | None        | None                   | None          | Appointed trustee of Millennium Point Trust<br>Member of the Labour Party<br>Member of the Co-operative Party<br>Member of the GMB Union<br>Member of St John Ambulance<br>Member of Student Co-operative Homes   | 21/07/2023 |
| <a href="#">Saddak Miah</a>      | Lab             | Councillor<br>Private Landlord   | The Co-operative (Member)  |              | Dispensation Granted by Monitoring Officer  | .           |                        |               | Member and vice chair of (UK) Birmingham Anami League (Bangladeshi Political Organisation) meeting occurs only once every 2-3 years.  | 28/02/2023 |

| Councillor                      | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship   | 3. Contracts | 4. Land and Property   | 5. Licenses | 6. Corporate Tenancies | 7. Securities   | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|---------------------------------|-----------------|--|--|--------------|--|-------------|------------------------|---|--|------------|
|                                 |                 |  | UNITE Union  |              | 27-29 York Road, Kings Heath, B14 7SA (Joint Ownership – investment in freehold only)  |             |                        |   | Member of Unite the Union.<br>Trustee of Our Community Foundation CIO<br>Member of the Co-operative Party<br>Member of the Labour Party  |            |
| <a href="#">Shehla Moledina</a> | Lab             | Domestic Violence Officer<br>Ashiana Community Project – Family Wellbeing Centre, Sparkbrook.<br><br>Husband – Self Employed<br>Approved driving instructor (ADI) details of which have been provided to the Monitoring Officer. |  |              | Dispensation Granted by Monitoring Officer on home address.  |             |                        |   | I am a member of the Labour Party<br>I am a member of UNISON<br>Al Abbas Islamic Centre  | 28/02/2024 |
| <a href="#">Gareth Moore</a>    | Con             | Constituency Office Manager – UK Parliament  | The Conservative Party<br>Erdington Conservative Association | None         | Home address:<br>Apartment 20 I-Land,<br>41 Essex Street, Birmingham,<br>B5 4TT  | None        | None                   | I am a member of Erdington Conservative Club so have a membership share of the organisation | Gravelly Hill Buildings Ltd<br>I also sit jointly as a director for the charities listed below<br>West Midlands Police & Crime Panel<br>Birmingham LGBT – Company Secretary & Trustee<br>Birmingham Citizens Advice - Trustee<br>Sir Josiah Mason Trust - Trustee<br>Richard & Samuel Banner Trust - Trustee<br>Conservative Councillors Association – Member<br>Conservative Party - Member | 13/07/2023 |
| <a href="#">Simon Morrall</a>   | Con             | Morrall Media Self-Employed<br>Web Developer<br><br>Print<br><br>Video<br><br>Social Media<br><br>Marketing  |  |              |  |             |                        |   |  | 20/05/2022 |
| <a href="#">Yvonne Mosquito</a> | Lab             |  |  |              | Dispensation Granted by Monitoring Officer for home address.<br><br>Dispensation Granted by Monitoring Officer on rental property, jointly owned, privately rented, Bordesley & Highgate Ward. |             |                        |   | Birmingham City Football Club Safety Group<br>Southside Business District Ltd<br>Governor Bordesley Green Girls School<br>Trustee Betel UK<br>Trustee UPCG Church<br>I am a member of the Labour Party.  | 18/07/2023 |
| <a href="#">Richard Parkin</a>  | Con             | I receive an annual allowance from Royal Sutton Coldfield Town Council where I am a Town Councillor for the Sutton Reddicap ward.  |  |              | Dispensation Granted by Monitoring Officer for home address.   |             |                        |   | I represent Birmingham City Council on the Birmingham City Football Club Safety Advisory Group.<br>I am a member of the Conservative Party.<br>I am the Membership Secretary of the Official Supporters Club of Birmingham City FC (a voluntary/unpaid role).  | 29/02/2024 |
| <a href="#">Rick Payne</a>      | Con             | Self Employed<br>Midland Automotive Training Services Ltd<br>Director<br>Technical Training<br>Linda Payne (Wife)<br>Director of Midland Automotive Training Services Ltd  | Erdington Conservative Association                           | Nil          | Home owner 26 Rivington Crescent, Kingstanding, B44 0PL  | Nil         | Nil                    | Nil   | I am a member of the Conservative Party  | 08/08/2023 |



| Councillor                       | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship  | 3. Contracts | 4. Land and Property  | 5. Licenses  | 6. Corporate Tenancies   | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|----------------------------------|-----------------|---|---|--------------|---|--|--|---------------|--|------------|
|                                  |                 | Housekeeper Little Ripley's Day Nurseries   |   |              |   |  |  |               |  |            |
| <a href="#">David Pears</a>      | Con             | Allowance as Councillor for Birmingham City Council<br><br>Allowance as Councillor for the Royal Sutton Coldfield Town Council Trinity Ward.<br><br>Wife works for Kids Charity, Wylde Green. | Member and on Executive of Sutton Coldfield Conservative Association – Election Expenses from Conservative Association. | N/A          | I live at and own 7 Haig Close, Sutton Coldfield, West Midlands, B75 6PJ                    | N/A  | N/A  | N/A           | Sutton Coldfield Town Hall Trust as Trustee<br>Sutton Coldfield Charitable Trust as Trustee<br>Chairman Sutton Advisory Committee<br>Vice Chairman Clifton Road Youth Centre Management Committee.<br><br>I am a member of Friends of Rectory Park.<br>I am a member of the National Trust.<br>I am a member of the Conservative Party.<br>I am a member of Friends of Newhall Valley Country Park.  | 18/10/2023 |
| <a href="#">Miranda Perks</a>    | Lab             | I am a Senior Associate at Milles & Reeve LLP<br><br>My husband is a self-employed builder.   | N/A   | N/A          | Dispensation Granted by Monitoring Officer  | N/A  | N/A  | N/A           | I am a member of the National trust.<br><br>I am a co-opted Governor at Kings Norton Nursery School.<br><br>I am a member of GMB.<br><br>I am a member of the Labour Women's Network.<br><br>I am a member of the Co-operative Party.<br><br>I am a member of the Friends of Manor Farm Park.  | 14/07/2023 |
| <a href="#">Rob Pocock</a>       | Lab             | I am a Principal Consultant, Aston Research Associates (sole trader business)<br><br>Partner is an elected member for Birmingham City Council   | Election and campaign expenses from Sutton Coldfield Labour Party and the Birmingham Labour Group of Councillors.       | None         | I live at 23 Hawthorn Road, Wylde Green, Sutton Coldfield, B72 1ES                          | Aston Research Associates, my sole trader business rents an office at Suite 1, Gate Lane, Sutton Coldfield, B73 5TT rented from the landlords Kathleen Taylor SIPP | None   |               | I am an appointed member and Trustee of the Birmingham and Midland Institute.<br><br>I am a member of West Bromwich Albion Football Club.<br><br>I am a member of Unite the Union<br><br>I am a member of War on Want<br><br>I am a member of the National Trust<br><br>I am a member of the Labour Party<br><br>I am a member of the Cooperative Party<br><br>I am an elected member of the Sutton Coldfield Town Council (with paid allowance forfeited) | 26/07/2023 |
| <a href="#">Julien Pritchard</a> | Green           | My partner works for the Tax Justice Network as an Operations Assistant   |   |              | Jointly with my partner I own and live at 9 Walton Grove, Birmingham, B30 3PW.              |  |  |               | I am a member of Birmingham Friends of the Earth<br>I am a member of the Green Party   | 07/07/2023 |
| <a href="#">Hendrina Quinnen</a> | Lab             | Author<br><br>Home Share (Lodger)   |   |              | Dispensation Granted by Monitoring Officer for home address                                 |  | I have leasehold agreement for the land my property sits on with Birmingham City Council |               | I am a member of the Labour Party<br>I am a member of Labour2Win   | 13/07/2023 |
| <a href="#">Lauren Rainbow</a>   | Lab & Co-op     | Senior Press Officer at Ofwat<br><br>Partner: Communications Manager at WSP   | GMB Union<br><br>Co-operative Party<br><br>Labour Party   |              | I live at 3 Rose Cottages, Pershore Road, Stirchley, B30 2JL. My partner owns this property |  |  |               | I am an appointed member of the WMCA O & S Committee.<br><br>I am a member of GMB Union<br><br>I am a member of PCS union<br><br>I am a member of Co-operative Party<br><br>I am a member of the Labour Party  | 02/08/2023 |
| <a href="#">Darius Sandhu</a>    | Con             | Birmingham City Council – Councillor  | Conservative Party  | N/A          | Dispensation Granted by Monitoring Officer on Home Address                                  | N/A  | N/A  | N/A           | City of Birmingham Symphony Orchestra - Trustee  | 29/01/2024 |

| Councillor                      | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship          | 3. Contracts | 4. Land and Property   | 5. Licenses | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|---------------------------------|-----------------|--|-------------------------|--------------|--|-------------|------------------------|---------------|--|------------|
|                                 |                 | Conservative Party - Campaign Manager  |                         |              |  |             |                        |               | Committee of Friends of Birmingham Museum and Art Gallery – Member<br>Birmingham Bodenham Trust<br>Trustee/Governor – Rookery School<br>City of Birmingham Symphony Orchestra - Trustee<br>Committee of Friends of the Museum and Art Gallery – Member<br>Birmingham Bodenham Trust<br>City of Birmingham Symphony Orchestra – Trustee<br>Committee of Friends of the Museum and Art Gallery – Member<br>Friend of Friendless Churches<br>Conservative Party – Member<br>Perry Barr Conservative Association |            |
| <a href="#">Kath Scott</a>      | Lab             | Husband, David Scott<br>D2MK<br>Electrical Engineer<br><br>Husband, David Scott<br>Engineer<br>Rullion Limited, Mansion House<br>3 Bridgewater Embankment,<br>Altrincham, Cheshire, WA14 4RW | N/A                     | N/A          | Dispensation Granted by Monitoring Officer on home address.  | N/A         | N/A                    | D2MK Director | Board Member, Unpaid, Disability Resource Centre,<br>Governor, NHS Birmingham Women and Childrens Trust<br>I am a member of the Labour Party<br>I am a member of UNISON  | 06/11/2023 |
| <a href="#">Shafique Shah</a>   | Lab             | Councillor, Birmingham City Council<br>RPBH, Director  | Birmingham Labour Group |              | Dispensation Granted by Monitoring Officer on home address.<br><br>Dispensation granted by Monitoring Officer for property owned, rented out to private tenant via CBS Properties, Bordesley and Highgate Ward.<br><br>Dispensation Granted by Monitoring Officer for property owned, rented out to private tenant via CBS Properties, Bordesley Green Ward.<br><br>Dispensation Granted by Monitoring Officer for commercial property, it is leased on commercial rental via CBS Properties, Bordesley Green Ward.<br><br>Dispensation Granted by Monitoring Officer for commercial property owned, it is leased on commercial rental via CBS Properties, Bordesley Green Ward.<br><br>Dispensation Granted by Monitoring Officer – I rent property on licence agreement, Bordesley Green Ward. |             |                        |               | I am a member of the Labour Party<br>I am a member of UNITE Union  | 10/10/2023 |
| <a href="#">Rinkal Shergill</a> | Lab             | My Job HMRC Compliance Officer<br>My Husbands Job: Bunzl Cleaning & Hygiene Supplies<br>Income from rental property  |                         |              | I live at 6 Wadhurst Road,<br>Edgbaston, B17 8JE<br><br>I own 94 Swindon Road, Edgbaston,<br>B17 8JL. Receive income from rental property. Its privately rented.   |             |                        |               | I am a member of the Labour Party Member<br>I am a member of PCS Union   | 31/07/2023 |



| Councillor                      | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship                                 | 3. Contracts | 4. Land and Property  | 5. Licenses | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|---------------------------------|-----------------|--|--|--------------|---|-------------|------------------------|---------------|---|------------|
| <a href="#">Sybil Spence</a>    | Lab             | Councillor, Birmingham City Council<br>Allowance for role as member of the West Midlands Fire and Rescue Authority   |  |              | Dispensation Granted by Monitoring Officer on home address.<br>Dispensation Granted by Monitoring Officer on property, jointly owned with son, son's home address, Handsworth Wood Ward.<br>Dispensation Granted by Monitoring Officer on property, jointly owned with son, son's home address, Pype Hayes Ward.  |             |                        |               | I am an appointed member of West Midlands Fire & Rescue Authority.<br>I am a member of the Labour Party.<br>I am a member of UNITE union  | 25/10/2023 |
| <a href="#">Ron Storer</a>      | Con             | I am an electroplater at Frost Electroplating Ltd  | Northfield Conservative & Unionist Association |              | Dispensation Granted by Monitoring Officer for home address.  |             |                        |               | I am a member of the Conservative Party<br>Member of BASC   | 14/08/2023 |
| <a href="#">Saima Suleman</a>   | Lab             | I receive an allowance as a Councillor and as Cabinet Member for Digital, Culture, Heritage and Tourism. Income received from rental properties.<br>My Husband is a Self-Employed BCC Licenced Private Hire Taxi driver. Income received from rental properties. | N/A  | N/A          | Dispensation Granted by Monitoring Officer on home address.<br>Dispensation Granted by Monitoring Officer on property jointly owned with husband, privately rented, Sparkbrook & Balsall Heath East Ward.<br>Dispensation Granted by Monitoring Officer on property jointly owned with husband, privately rented, Sparkbrook & Balsall Heath East Ward. | N/A         | N/A                    | N/A           | Member of Board of Trustees for a charitable organisation called Music Therapy Works.<br>I am a member of the Labour Party.<br>I am a member of PCS Union.  | 18/07/2023 |
| <a href="#">Jamie Tennant</a>   | Lab & Co-op     | Employed by Liam Byrne MP<br>Partner employed by Greggs  | Weoley Labour Party,<br>Selly Oak Labour Party | None         | Dispensation Granted by Monitoring Officer on home address.<br>Partner owns 27 Heathlands Grove and receives private rental income.   | None        | None                   | None          | I am appointed to the West Midlands Combined Authority O & S and to the Board of Governors of the Royal Orthopaedic Hospital By BCC<br>I am a member of:<br>Labour Party<br>Co-op Party<br>GMB Union<br>LGBT+ Labour<br>Christians on the Left  | 27/02/2024 |
| <a href="#">Sharon Thompson</a> | Lab             | Deputy Leader, Birmingham City Council<br>Board Member, LGA Local Infrastructure and Net Zero Board – Local Government Association.<br>LGA Mentor – Local Government Association.<br>Director, Tilt360 Ltd.  | Labour Party                                   | N/A          | Dispensation Granted by Monitoring Officer on home address.   | N/A         | N/A                    | Tilt360Ltd    | Exec. Committee Member – Labour Women's Network<br>Committee Member – LGA Labour Women's Taskforce<br>Appointed member of the West Midlands Combined Authority Board.<br>Appointed member of the West Midlands Combined Authority Investment Board.<br>Appointed portfolio holder for the West Midlands Combined Authority Devolution/Levelling Up Portfolio<br>Appointed substitute/alternate member on Core Cities<br>Appointed substitute/alternate member on GBSLEP Board.<br>Appointed substitute/alternate member on GBSLEP Supervisory Board.<br>Member of the Major Sporting Events Leadership Group.<br>Member of The Labour Party<br>Member of the GMB<br>Member of the Coop Party<br>Affiliate Member of the LGBTQ Labour<br>Affiliate Member of the Jewish Labour Movement<br>Affiliate Member of the Disability Labour<br>Affiliate Member of the Sikhs4Labour<br>Member of Christians on the Left<br>Member of the Lunar Society<br>Member of the ALC (Association of Labour Councillors)<br>Member of Black, Asian, Ethnic Minorities for Labour<br>Training facilitator for Labour Women's Network. | 11/11/2023 |

| Councillor                    | Political Party | 1. Employment, office, trade, profession or vocation   | 2. Sponsorship                       | 3. Contracts   | 4. Land and Property  | 5. Licenses | 6. Corporate Tenancies   | 7. Securities   | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.   | Date       |
|-------------------------------|-----------------|--|--------------------------------------|--|---|-------------|--|---|---|------------|
| <a href="#">Paul Tilsley</a>  | Lib Dem         | None   | None                                 | None   | I jointly own with my wife 6 Longfield Close, Birmingham, B28 0XY   | None        | None   | None  | Director Birmingham Airport Board<br>Trustee of Yardley Education Trust<br>Trustee of Clara Martineau Trust.<br>I am a member of the Liberal Democrat Party<br>Trustee of Yardley Great Trust<br>Member of Birmingham Rathbone Society<br>Member of Warwickshire County Cricket Club          | 07/08/2023 |
| <a href="#">Lisa Trickett</a> | Lab             | Director of Places in Common Limited<br>Partner is Director of Places in Common Ltd  | None                                 | None   | Dispensation Granted by Monitoring Officer on home address.   | None        | None   | Beneficial part owner of Places in Common Limited.<br><br>My partner is also a beneficial part owner of Places in Common Limited. | I am a Director of the Labour Environment Campaign – SERA.<br><br>I am an appointed member of the Cycling Advisory Group.<br><br>Kings Heath BID.<br><br>I am a member of the Labour Party and GMB.   | 24/10/2023 |
| <a href="#">Penny Wagg</a>    | Lib Dem         | I receive an allowance as a Birmingham City Councillor   | N/A                                  | N/A  | I live at and own 79 Marie Drive Acocks Green, Birmingham, B27 7NY  | N/A         | N/A  | N/A   | Stockfield Community Association<br>Charles Lane Trust<br>Firecone's (Birmingham Retirement Council)<br>Yardley Educational Trust<br><br>I am a member of<br><br>Liberal Democrat Party<br><br>Street Watch<br><br>Acocks Green Lions<br><br>Monday Club Food Bank<br><br>Church of Ascension | 05/09/2023 |
| <a href="#">Ian Ward</a>      | Lab             | Councillor BCC<br><br>Allowances for role as member of Transport Delivery O & S Combined Authority<br><br>LGA (Peer)<br><br>PHTA (Advisor)<br><br>Cavendish Consulting (Senior Consultant)<br><br>Birmingham Moseley Rugby Club (Advisor)<br><br>7E Youth Academy Ltd (Consultant)<br><br>Partner – Self-employed (SEND Advisor) | Unite<br><br>GMB<br><br>Labour Party | Birmingham Moseley Rugby Club  | Dispensation Granted by Monitoring Officer, on rental property owned, let by agents, Sheldon Ward.<br><br>Dispensation Granted by Monitoring Officer on Home Address. | None        | Birmingham Moseley Rugby Club are tenants at Billesley Common. | None  | Birmingham Moseley Rugby Club<br><br>Transport Delivery O & S at the Combined Authority GBM<br><br>Birmingham Moseley Rugby Club<br><br>Birmingham Big Art Project<br><br>Birmingham Youth Sports Academy<br><br>T.S. Sherbourne<br><br>The Labour Party                                      | 27/02/2024 |
| <a href="#">Ken Wood</a>      | Con             | Mr K W Wood - Director<br>Mrs B I Wood - Director<br>KWW Consulting Ltd (Recruitment)<br>110 Redditch Road,<br>B38 8RD<br><br>Mr K W Wood – Director<br>Mrs B I Wood - Director<br>Network Public Sector Ltd<br>Meriden Hall, Main Road, Meriden<br>CV7 7PT  |                                      | Network Public Sector are an approved supplier to Hays who currently provide recruitment services to Birmingham City Council | Home 110 Redditch Road B38 8RD<br><br>Property<br>Flat 11, 51 Badgers Bank Walk,<br>B74 4ER<br>Privately rented via Letting Agent                                     |             |  |   | Unpaid Non Exec Director of Birmingham Crisis Centre<br><br>BVSC<br><br>Member of Conservative & Unionist Party   | 29/02/2024 |

| Councillor                    | Political Party | 1. Employment, office, trade, profession or vocation  | 2. Sponsorship                                     | 3. Contracts | 4. Land and Property   | 5. Licenses | 6. Corporate Tenancies | 7. Securities | Any Unpaid Directorships / BCC appointments / Are a member or in a position of General Control to other bodies etc.  | Date       |
|-------------------------------|-----------------|---|--|--------------|--|-------------|------------------------|---------------|--|------------|
| <a href="#">Alex Yip</a>      | Con             | A Yip Trading Ltd - Director<br>CAL Property Holdings - Director<br>398 UNR LTD – Director<br>Greenworks Power LTD: formally a consultant in an unspecified paid capacity without shareholding. |  |              | 309 Wylde Green Rd, Sutton Coldfield Family home.<br>66-68 Stirling Rd, Edgbaston, Property for rent.<br>14 Stirling Rd, Edgbaston, Property for Rent.<br>Flat 314 Orion Building, City Centre. Property for Rent.<br>Flat 29, The Sutton, Sutton Coldfield. Home personally owned and maintained for parents. |             |                        |               | Director/Trustee Sutton Coldfield YMCA (Voluntary)<br>Director/Trustee Arthur Terry Learning Partnership (Voluntary)<br>Unpaid company secretary of Coach Investments Ltd without expenses.<br>Unpaid manager/director at Castle Bromwich Hall Hotel receive expenses only.<br>School Governor, King Edwards Camp Hill boys.<br>Arthur Terry Learning Partnership – Trustee<br>Sutton Coldfield YMCA – Trustee<br>Campaign Against Racism Group – Trustee<br><br>I am a member of the Conservative Party, Mind Mental Health, Magistrates Association and Amnesty International. | 24/10/2023 |
| <a href="#">Waseem Zaffar</a> | Lab             | Councillor at Birmingham City Council<br>Director at Midlands Community Solutions CIC<br>Income received on rental property.  | Election expenses from the Birmingham Labour Group | None         | Dispensation granted by Monitoring Officer on home address.<br><br>Dispensation granted by Monitoring Officer on Rental property, rented via letting agents, Aston Ward.   | None        | None                   | None          | Unpaid co-opted board member of Soho Road BID.<br>Unpaid co-opted board member of Soho Road BID.<br>I am a member of: <ul style="list-style-type: none"> <li>• The Labour Party</li> <li>• Unite the Union</li> <li>• GMB Union</li> <li>• Unison Union</li> <li>• The Co-operative Party</li> <li>• Labour Friends of Kashmir</li> <li>• Ghakhar Rajgaan Death Committee</li> </ul> I am Chair of the Governing Body at Heathfield Primary School.  | 04/12/2023 |

**NB: Point 8 - Personal Wellbeing: You will only know this when you attend a meeting of the Council and an item on the agenda affects your wellbeing or that of your husband/wife/partner, to the extent described. You must then declare a pecuniary interest at the beginning of the meeting or before the relevant item is discussed and not take part in the meeting when that agenda item is discussed.**



**Birmingham City Council  
Standards Committee**

28 March 2024



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**Subject:** **Arrangements for Dealing with Member Complaints  
- Update**

**Commissioner's Review:**

Commissioners have no observations on this report.



# 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)



## **B16. THE STANDARDS COMMITTEE**

### **16.1 Role**

- i. The Standards Committee's role is:
  - a) Advising the City Council on the adoption or revision of the Code of Conduct;
  - b) Monitoring the operation of the Code of Conduct and the arrangements for how the Council will deal with any complaints;
  - c) Advising, training or arranging to train members and co-opted members on matters relating to the City Council's Code of Conduct.
  - d) Determining complaints alleging a breach of the Code of Conduct by Councillors.
  - e) Determining the penalty to be imposed in the event of a breach of the Code being upheld.
  - f) Hearing appeals as may be necessary.
  - g) Granting any dispensations and dealing with any other powers granted to Standards Committees by legislation.
  - h) To submit an Annual report on the work of the Standards Committee and, generally, promoting the standards of ethical conduct and behaviour expected of Councillors.
- ii. The Standards Committee shall also determine under Sections 1 and 2 of the Local Government and Housing Act 1989: -
  - a) any application received from any officer of the Council for exemption from political restriction; and
  - b) any application to consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

### **16.2 Membership**

- i. The Standards Committee will be composed of 14 Members, as follows:
  - 6 Councillors, which will be made up of 2 Councillors from each of the 3 largest political parties represented on the City Council;
  - 6 Independent lay members
  - 1 Member of New Frankley in Birmingham Parish Council
  - 1 Member of Sutton Coldfield Parish Council
- ii. **Independent Lay Members:** Independent Lay Members are not entitled to vote at meetings;

- iii. **Parish Members:** The Parish Member(s) must be present when matters relating to the parish council or their Members are being considered but shall have no voting rights;
- iv. **Chairing the Committee:** Standards Committee will appoint an Independent Lay Member as Chair and Deputy Chair of Standards Committee. In the absence of the appointed Chair/Deputy Chair the Committee will be chaired by another Independent Lay Member or if none available the Committee will be chaired as determined by the Committee.
- v. **Quorum:** The quorum for the Standards Committee shall be five, including at least three Birmingham Councillors, one of the Independent Lay Member and the Parish Councillor if it relates to a Parish Council matter.
- vi. **Independent Person:** There will be at least 1 Independent who will have no voting rights although Standards Committee has the discretion to appoint an additional person if required.
- vii. **Delegation:** The Standards Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions as set out in 1.1 above. A sub-committee shall have a quorum of at least three voting members and one Independent Lay Member.
- viii. **Arrangements for Dealings with Standards Allegations under the Localism Act 2011:** The Monitoring Officer will set out the procedure for the arrangements as to how complaints under the Code of Conduct are dealt with. Any changes to those arrangements may only be made following consultation with the Standards Committee.

### 16.3 Standards (Hearings) Sub committee

#### 1. Purpose

- i. In consultation with the Monitoring Officer to consider any commissioned reports to determine whether the matter should be referred to a formal hearing
- ii. In the event that a hearing of the Standards Committee is required, to hear and determine any allegation that a member or co-opted member of the council has failed, or may have failed to comply with the Council's code of conduct, and apply appropriate sanctions.

#### 2. Membership

- i. Any subcommittee must consist of at least 3 Councillors, with at least 1 from each of the 3 largest political groups represented on the Council.

**Agenda item 10 – Appendix 1**

- ii. If appropriate, a political party may appoint a substitute.
- iii. Any subcommittee must also consist of at least one non voting lay member.





## PROCEDURE FOR CONSIDERING COMPLAINTS ALLEGING A FAILURE TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT FOR BIRMINGHAM CITY COUNCIL

### Context

This guidance sets out how you may make a complaint that an elected or co-opted Member has allegedly failed to comply with the Council's Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council's Code of Conduct.

### The Code of Conduct

The Council has adopted a Code of Conduct and is available for inspection on the Council's website: [The Code of Conduct, Part C4 of the City Council's Constitution](#)

### Making a Complaint

If you wish to make a complaint, please use the [complaint form](#). This is available on request and is on the Council's website.

You will need to cite which parts of the code you are relying upon and where possible you should provide supporting evidence.

This needs to be sent to:

The Monitoring Officer  
Birmingham City Council  
PO Box 15992  
Birmingham  
B2 2UQ  
E-mail: [monitoringofficer@birmingham.gov.uk](mailto:monitoringofficer@birmingham.gov.uk)

You will have to identify yourself as the complainant on the form as the assumption is that any member has the right to know who has made the complaint against them. However in **exceptional** circumstances the Monitoring Officer may agree that your name can be withheld but you will need to provide detailed reasons as to why that should be the case.

Such reasons could include;

- You have reasonable grounds to believe you would be at risk of physical harm or;
- You are an officer working closely with the Member in question and you fear the employment consequences or
- It would create medical risks associated with a serious health condition.

Requests to keep your name and address confidential will not automatically be granted.

However, if you have made such a request you will be contacted and advised of the decision and, if your request is not granted, we will allow you the option of requesting the withdrawal of your complaint.

## **DEFINITIONS AND GENERAL PRINCIPLES**

Terms used in this document in the masculine form apply equally to the feminine form and words in the singular form include the plural form where the context allows. The following terms are defined for the purposes of this document:-

1. "Authority" or "The Council" means Birmingham City Council or a Parish/Town Council within the City of Birmingham, whichever is the C o u n c i l whose code of conduct is alleged to have been breached by the Member.
2. "Code of Conduct" means the code of conduct applicable to the Authority at the material time in relation to allegation.
3. "Member" means the member/councillor (or co-opted member) who is the subject of the allegation being considered by the Monitoring Officer/Standards Committee.
4. "Monitoring Officer" means the person appointed by Birmingham City Council under section 5 of the Local Government and Housing Act 1989, and includes any person designated by him to perform any functions under these procedures.
5. "Independent Person" means the person(s) appointed by Birmingham City Council under section 28 of the Localism Act 2011 and who will be invited to attend the Hearing to provide advice to the Panel.
6. "Investigating Officer" means the person commissioned by the Monitoring Officer to investigate the allegation, and the term includes the Investigating Officer's nominated representative.
7. "Legal advisor" means the officer responsible for providing legal advice to the Standards committee. This may be the Monitoring Officer, another legally qualified officer of BCC, or someone appointed for this purpose from outside BCC.
8. "BCC" means Birmingham City Council.

## Introduction

1. This procedure should be used to deal with complaints submitted under the Members' Code of Conduct adopted by Birmingham City Council and any Parish/Town Councils in the Birmingham City Council area.
2. The Members' Code of Conduct applies to elected Members and co-opted members when they are acting in that capacity. Complaints which relate to a failure to comply with the rules about 'Disclosable Pecuniary Interests' may be directed to the West Midlands Police for their consideration. Complaints about a potential breach of the general obligations should be submitted to the Monitoring Officer for consideration.
3. The Monitoring Officer will ordinarily nominate another officer of suitable experience and seniority (usually the Deputy Monitoring officer or other senior officer) to carry out any of the functions listed in this procedure.

### Stage 1 - Initial assessment by the Monitoring Officer

4. Complaints must be submitted in writing and should be on the City Council's [complaints form](#). Full details of the complaint must be provided, and should outline what form of resolution the complainant is seeking. The complainant should also state how the subject member is alleged to have breached the code of conduct.
5. Other written complaints may be considered so long as they contain all of the relevant information.
6. The Deputy Monitoring Officer will consider the complaint and make a decision as to whether it will be treated as a valid complaint or not, within 7 days of receipt of the form from the complainant.
7. The following types of complaint will not be considered as 'valid complaints' under this procedure:
  - a. Complaints which are submitted anonymously<sup>1 2</sup>;
  - b. Complaints which do not identify a subject Member;
  - c. Complaints which relate to a Member's personal or private life;

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<sup>1</sup> Complaints which contain a request for the complainant's identity to be withheld may be considered to be 'valid complaints', although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.

<sup>2</sup> Anonymous complaints which reveal potential fraud or corruption may be dealt with by the Council's Whistle blowing Policy

- d. Complaints concerning a failure to respond to a request from a constituent or other individual;
  - e. Complaints which relate to the alleged actions of employees of the Council or co-optees;
  - f. Complaints which relate to a decision of an employee or a Committee;
  - g. Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council<sup>3</sup>;
  - h. Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now;
  - i. Complaints containing trivial allegations, or which appear to be simply malicious, politically motivated or tit-for-tat;
  - j. Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action;
  - k. Complaints which do not relate to the Members' Code of Conduct.
8. In all cases where the complaint names a Member, the Member will be notified of the complaint<sup>4</sup>.
  9. The Monitoring Officer (or her/his Deputy) will determine whether the investigation is invalid or whether it should proceed to Stage 2 - an initial Investigation. If the Monitoring Officer decides that the complaint is 'invalid', the notification will be made to the member for information only.
  10. If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly.
  11. In any case where the Monitoring Officer decides that the complaint is 'invalid', they will write to the complainant explaining why the complaint cannot be dealt with under this procedure. There is no appeal process for decisions taken by the Monitoring Officer at this stage.
  12. In cases involving member to member complaints, these will not be investigated until the Monitoring Officer considers other processes eg mediation or political group processes with the Group Secretaries and/or the Group Whip (see also paragraph 25 below).

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<sup>3</sup> The Monitoring Officer will only investigate allegations during the period in which the person was an elected member.

<sup>4</sup> Information shared will include details of the complainant and their complaint. The Subject Member will receive this information as a data controller in their own right and all usual data protection controls will apply.



## Stage 2 – Initial Investigation

13. If, following initial assessment, the Monitoring Officer decides that the complaint should be treated as a 'valid complaint' they will write to the complainant and explain that the matter is to be referred to the subject Member and the Deputy Monitoring Officer (or other senior officer) who will oversee the investigation.
14. The Deputy Monitoring Officer may appoint an Investigating Officer to conduct the initial review on behalf of the Monitoring Officer.
15. However in appropriate cases the Monitoring Officer may appoint an external Investigating Officer to undertake a full investigation where circumstances warrant such an appointment.
16. The complainant will also be provided with an outline of the procedure for dealing with complaints against Councillors and that the assumption is that all complaints will be resolved in accordance with this procedure.
17. The Deputy Monitoring Officer will provide the subject member with a reasonable timescale within which to respond to the complaint. This will usually be within 21 days although this may be extended at the discretion of the Deputy Monitoring Officer.
18. At the same time the Deputy Monitoring Officer will forward a copy of the complaint to the relevant Group Secretary or Group whip<sup>5</sup>.
19. Following receipt of the member's comments in response to the complaint, the Deputy Monitoring Officer /Investigating Officer will undertake an initial review based on the complaint form and any written responses.
20. Whilst the aim is to consider the complaints based on the written submissions, the Deputy Monitoring Officer /Investigating Officer can seek further clarification from any party and may request to meet with them or any witnesses. The aim is to complete any initial review within 28 days of the Deputy Monitoring Officer receiving the subject Members response to the complaint.
21. At the end of his/her investigation, the Investigating Officer will produce a draft report with recommendations. This in the first instance will be sent to the Monitoring Officer and the Independent Chair of Standards Committee or such lay member of the committee as the Chair may appoint.
22. The Monitoring Officer will review the Investigating Officer's report after consulting with the Independent Chair of Standards Committee. If the Monitoring Officer is not satisfied with the investigation he/she can ask the Investigating Officer to reconsider the report or specific elements.
23. If the Monitoring Officer and the Independent Chair of Standards Committee are in agreement with the Investigating officer's recommendations, copies of that draft report will be sent in confidence, to the complainant and to the Member

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<sup>5</sup> If the subject Member is the Group Secretary, the complaint will be copied to his or her Group Whip. In the case of a Parish or Town Council without structured political groups, the Monitoring Officer could consider involving the Chairperson of the Council.

concerned, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration.

24. Having received and taken account of any comments which maybe received on the draft report, the Deputy Monitoring Officer /Investigating Officer will send his/her final report to the Monitoring Officer and the Independent Chair of Standards Committee.

### **Special provisions – member/member complaints**

25. Where a complaint is made by one councillor against another councillor, the Monitoring Officer, following consultation with the Independent Chair of Standards Committee may refer the matter to the relevant Group Secretaries/Group Whips for them to mediate between the parties.

26. After a 28 day period the Group Secretaries/Group Whips will provide a report to the Monitoring Officer and the Chair of Standards Committee with a report on whether a resolution was possible and if not what steps have been taken to resolve that matter<sup>6</sup>.

27. If the matter cannot be resolved or if mediation is not thought to be possible then the Group Secretaries/Group Whips can refer the matter back to the Monitoring Officer.

28. If required the Independent Person is available to provide advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing guidance does not prevent the Independent Person from giving a view to Standards Committee about the complaint at a later date.

### **What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

29. The Monitoring Officer will write to the complainant, the Member concerned and to his/her Group Secretary/Chief whip notifying that the Monitoring Officer is satisfied that no further action is required, or that the complaint has otherwise been resolved and enclose a copy of the Investigating Officer's final report.

30. The Monitoring Officer may consult with the Independent Chair of Standards Committee and share a copy of the Investigating Officer's final report

*Note - Although there is no internal right of appeal, the complainant or the member who is subject of the complaint may refer the Monitoring Officer's decision to the Local Government Ombudsman if there is some fault in the way that he/she has considered the complaint and there is sufficient injustice to warrant their involvement.*

### **What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct that requires a determination by Standards Committee?**

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<sup>6</sup> This can be used as evidence at any full hearing

31. Where that there is potential evidence of a failure to comply with the Code of Conduct the following options are available to the Monitoring Officer :

- If there appears to be criminal misconduct, the Monitoring Officer will refer the case to the Police.
- The Monitoring Officer can seek, in consultation with the Independent Chair of the Standards Committee, to resolve the complaint informally by getting the Member to acknowledge that their conduct was unacceptable and apologise, or engage in other remedial actions on behalf of the authority.
- Refer the matter to Standards Committee for full hearing.

### **Local Resolution**

32. The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Chair of Standards and the parties involved to agree what would be considered a fair resolution which also helps to ensure higher standards of conduct for the future.

33. Such resolution may include;

- i. An explanation by the subject Member of the circumstances surrounding the complaint;
- ii. An apology from the subject Member;
- iii. An agreement from the subject Member to attend relevant training or to take part in a mentoring process;
- iv. An offer by the subject Member to engage in a process of mediation or conciliation between them and the complainant; or
- v. Any other action capable of resolving the complaint.

34. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee [and if appropriate, the Parish/Town Council] for information as well as the Group Secretary/Group Whip, but will take no further action.

35. Where the Member makes a reasonable offer of local resolution, but the complainant is not prepared to accept the offer, the Independent Chair of Standards Committee will take account of this in deciding whether the complaint merits a full hearing.

### Stage 3 – Standards subcommittee Hearings

36. The Monitoring Officer will provide for consideration by the Standards Committee the original complaint, the Investigating Officers report and details of any efforts made to resolve the matter informally.
37. The Monitoring Officer will arrange for a meeting of the Standards Committee (or if appropriate a relevant Sub-Committee) to be convened to consider any commissioned report to determine whether the matter should be referred to a formal hearing.
38. The Independent Chair of Standards Committee will in consultation with the Monitoring officer and Standards Committee determine the make-up of any sub-committee.
39. If the complaint relates to a Parish or Town Councillor, one of the co-opted Parish Members will be invited to attend the Committee meeting. The Parish Member will not be entitled to vote at the meeting, but will be entitled to speak at the discretion of the Chair/Deputy Chair.
40. The Standards Committee or sub-committee will consider directions to enable the matter to proceed to a Final Hearing.
41. In the event that a hearing of the Standards Committee is required, to hear and determine any allegation that a member or co-opted member of the council has failed, or may have failed to comply with the Council's code of conduct, and apply appropriate sanctions.
42. Any subcommittee must consist of at least 3 Councillors, with at least 1 from each of the 3 largest political groups represented on the Council and If appropriate, a political party may appoint a substitute.
43. Any subcommittee must also consist of at least one non voting lay member.
44. The following people may also be invited to attend the Final Hearing meeting:
  - a. The complainant;
  - b. The subject Member;
  - c. The Independent Person.
  - d. Any witnesses
  - e. Or any other person as determined by the Chair of the Standards Committee and/or the Monitoring Officer
45. The Monitoring Officer will attend the meeting in order to advise the committee.
46. At the beginning of the meeting the Committee will be asked to consider whether the complaint should be considered in private in accordance with the provisions of Rule 10 of the Access to Information Procedure Rules relating to exempt

information. If the meeting is to be held in private the press and public will be excluded<sup>8</sup>.

47. After initial consideration of the commissioned report, the Committee will take statements from the following parties (either in person or in written form if the person is unable to attend the meeting):
  - a. The complainant; and
  - b. The subject Member.
  - c. Or any other person as determined by the Committee
48. The Committee may also ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.
49. Before reaching a final decision on the complaint, the Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.
50. If the Committee is unable to reach a conclusion on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks the further information required. However, when doing so the Committee should consider whether the information will be readily available to the Monitoring Officer.
51. Once the Committee is satisfied with the information before it, it must decide the following issues:
  - a. Whether the subject Member has failed to comply with the Members' Code of Conduct;
  - b. Whether further action is warranted; and
  - c. What form of action might be appropriate.
52. If the Committee concludes that, on the balance of probabilities, the subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Committee may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general.
53. If the Committee concludes that, on the balance of probabilities, the subject Member has failed to comply with the Members' Code of Conduct, the Committee must go on to consider whether action should be recommended in respect of the subject Member, and what form of action might be appropriate. Before doing so, the Committee may hear further representations from the subject member and the Independent Person. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.

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<sup>8</sup> The Committee may invite people to remain in the meeting if it is considered that they could provide information relevant to the complaint.

54. The recommendations available to the Committee include<sup>9</sup> but are not limited to:

- a. A formal letter to the subject Member from the Chair of the Standards Committee;
- b. Formal censure by a motion of full Council; or
- c. Removal by the authority of the Member from a relevant Committee(s) subject to statutory and constitutional requirements.

Furthermore the Hearings Panel may:-

- Reprimand the Member;
- Request that the Member be required to make an apology at Council;
- Publish its findings in respect of the Member's conduct;
- Report its findings to Council for information;
- Recommend that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Cabinet.
- Recommend to Council that the Member be replaced as Executive Leader;
- Instruct the Monitoring Officer to arrange training for the Member, which the Member is obliged to attend;
- Remove from all outside appointments to which he/she has been appointed or nominated by the Council;
- Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

55. The Committee may make a recommendation in relation to one or more of the above sanctions to full Council or, if appropriate, the Town or Parish Council, the Group Whip or the Chair of the Standards and Conduct Committee. The Chair will confirm any such recommendations in writing within five working days of the Committee meeting.
56. The Committee may also make general recommendations to the authority with a view to promoting and maintaining high standards of conduct within the

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<sup>9</sup> The committee may not decide to disqualify or suspend the subject Member as a Councillor.

authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.

57. Within five working days of the meeting the Independent Chair of the Standards Committee will write to the complainant and the subject Member explaining the final decision of the Committee and detailing any recommendations made.
58. There is no right of appeal against a decision of the Committee.

## ANNEX 1 - ROLE OF THE 'INDEPENDENT PERSON'

### Role of the Independent Person

The role of the independent person is set out in Section 28 of the Localism Act 2011.

Independent Members will be invited to attend meetings of the Standards Committee, with agreement of the Chair, and will be provided with agendas and minutes of such meetings.

As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The independent person's views will<sup>11</sup> be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

The authority may also seek the independent person's views on any complaint. However, there is no requirement to do so, or to take those views into account. Where a matter is referred to the Standards Committee or its Sub-Committee for determination, the Committee will seek the views of the Independent Persons before reaching its conclusions. Those views will be recorded in any decision notice.

Independent Persons will consider all the information relating to a complaint, the views of the parties involved in the complaint, the Code of Conduct and the law as it affects standards matters, before offering their view.

The Monitoring Officer may contact the Independent Person by telephone, email, in writing or arrange a meeting. Any communication should be formally recorded.

The Independent Person will be provided with sufficient information in order to provide their view and be given sufficient time to consider that information before providing their view. This will change on a case by case basis.

<sup>11</sup>

Section 28 (7) of the Localism Act 2011,

Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought—

(i) by the authority in relation to an allegation in circumstances not within paragraph (a),

(ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and

(iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.

The Independent Person should provide their views in written form, even if the views have already been given verbally.



Finally, a member or co-opted member of the authority (or of a Parish Council in the area) may seek the independent person's views on an allegation made against them at any time.

As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The Independent Person's view **may** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

The authority may also seek the Independent Person's views on an allegation that it has not decided to investigate. However, there is no requirement for the authority to do so, or to take those views into account.

Finally, a member or co-opted member of the authority (or of a Parish Council in the area) may seek the Independent Person's views on an allegation made against them at any time.

