

Reminder: Members must declare all relevant pecuniary and/or pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

STANDARDS COMMITTEE

**Tuesday, 20th June 2017 at 15:00 hours in Committee Room 2,
Council House, Birmingham**

A G E N D A

1 APOLOGIES

2 DECLARATION OF INTERESTS

'Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting'

3 RATIFICATION OF CHAIRMANSHIP ROLE

To confirm the continued role of the independent Chairman.

Attached 4 MEETINGS SCHEDULE FOR 2017-2018

Attached 5 TERMS OF REFERENCE

Attached 6 ANNUAL REPORT 2016-2017

Report of the City Solicitor

Attached 6(i) SCHEDULE OF COMPLAINTS 2016-2017

7 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

8 AUTHORITY TO CHAIRMAN AND OFFICERS

Chairman to move:-

'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

STANDARDS COMMITTEE **MEETINGS SCHEDULE FOR** **2017-2018**

ALL MEETINGS WILL BE HELD AT
THE COUNCIL HOUSE, B1 1BB

Tuesday, 15:00 hrs	20 th June 2017	Committee Room 2
Tuesday, 15:00 hrs	8 th August 2017	Committee Room 2
Tuesday, 15:00 hrs	10 th October 2017	Committee Room 2
Tuesday, 15:00 hrs	12 th December 2017	Committee Room 2
Tuesday, 15:00 hrs	17 th April 2018	Committee Room 2

Terms of Reference **Standards Committee**

1. To serve as the City Council's Standards Committee, in relation to the Localism Act 2011 and other relevant legislation.
2. To discharge the general and specific functions of a Standards Committee as specified in the relevant legislation including –
 - (i) Promoting and maintaining high standards of conduct by the members and co-opted members of the City Council;
 - (ii) Assisting such members and co-opted members to abide by the City Council's Code of Conduct;
 - (iii) Advising the City Council on the adoption or revision of the Code of Conduct;
 - (iv) Monitoring the operation of the Code of Conduct; and
 - (v) Advising, training or arranging to train members and co-opted members on matters relating to the City Council's Code of Conduct.
3. To discharge the same functions, as described in 2 above, in relation to the New Frankley in Birmingham & Sutton Coldfield Parish Council and its members.
4. To submit an Annual Report on the work of the Standards Committee and, generally, promoting high standards of ethical conduct and behaviour expected of Members.

COUNCIL BUSINESS MANAGEMENT COMMITTEE

20th March 2017

ANNUAL REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE

1. PURPOSE

- 1.1 The purpose of this Report is to highlight the work of the Standards Committee during the Municipal Year 2016-2017.

2. MEMBERSHIP AND TERMS OF REFERENCE

The composition of the Committee for 2016-2017 was as follows:-

Philip Richardson (Independent Joint Chairman)
 Peter Wiseman (Independent Joint Chairman)
 Councillor Mahmood Hussain
 Councillor Shafique Shah
 Councillor Mike Sharpe
 Councillor Deidre Alden
 Councillor Paul Tilsley
 Steven Jonas – Independent Member
 Professor Stephen Shute – Independent Member
 Frankley Parish Councillor Ian Bruckshaw
 Sutton Coldfield Parish Councillor Derrick Griffin
 Ray Tomkinson-Independent Observer

- 2.2 The Terms of Reference of the Standards Committee are set out in the Constitution.

3. KEY HIGHLIGHTS FROM THE MUNICIPAL YEAR 2016-2017

- 3.1 Since the introduction of the Localism Act 2011 and the subsequent abolition of the Standards Board for England, the operational activity of the Standards Committee has significantly changed. The previous sub-committees have been removed and replaced by a more streamlined assessment/filtration method whereby complaints are either resolved by the Monitoring Officer or screened by the two Chairmen in conjunction with the Monitoring officer.
- 3.2 The Committee met in May 2016. The purpose of this meeting two fold, firstly to meet with Members and secondly to explain the filtration process. The initial filtration process referred to in 3.1 has greatly reduced the need for the Committee to meet unnecessarily thereby saving on Member and Officer time and also printing costs. We will continue to meet on an annual basis.

- 3.3 Complaints which are within the terms of the Councillors' Code of Conduct and which cannot be resolved informally are considered on receipt of duly completed Complaint Forms. Blank forms and guidance on the processes adopted by the Committee are freely available on the Council's website and appropriate informal advice is given to those who wish to complain.
- 3.4 Attached at Appendix 1 is a breakdown of statistics on Standards Committee from April 2016 to March 2017. Details of the complainant and the Councillor affected have been redacted for the purpose of Data Protection, more particularly because the Monitoring Officer has judged that many complaints do not fall within the scope of the Councillors' Code of Conduct but may nevertheless require attention by officers as several complaints concern the alleged malfunction of council services.
- 3.5 I would like to take the opportunity to confirm that the Statutory Registers of Gifts and Hospitality and the Statutory Register of Members Interests have been duly completed by Members and placed on the Council's website (unless any Member requested otherwise with satisfactory reasons for non-disclosure). Declarations of Interests are also being duly recorded in the minutes of Council meetings and there is a satisfactory general awareness of the Code of Conduct of Members.
- 3.6 Overall it is our view that the abolition of the very detailed legislative requirements underpinning the Standards regime has proved to be a helpful development. The revised law still requires Councils to have a Code of Conduct for Councillors in place and a clear and transparent system for handling complaints. However, in close consultation with the Committee, the Monitoring Officer has seized the opportunity to review and, where possible, simplify the current procedure for handling complaints. All documentation has been re-written in plain English.
- 3.7 Our aim is to continue to deal with complaints in the same format as before with the assistance of the newly appointed City Solicitor in their monitoring officer capacity.
- 3.8 A revised and simplified version of the Code of Conduct is available in the Constitution on the Council's website.

4. STATISTICS 2016-2017

- 4.1 You have some statistics in the Appendix 1 to the report which are set out below in brief:
- 40 complaints in total
 - 8 complaints resulted in findings of no breach of the Code of Conduct
 - 1 complaint resolved
 - For 15 complaints no forms received
 - In relation to one complaint, further to a formal investigation, the Standards Chairmen determined that the subject matter was not related to the code of conduct.
 - 15 complaints are currently under informal investigation with the City Solicitor/Monitoring officer/Deputy Monitoring officers.

- 4.2 In the 12 months period from April 2016 to March 2017, there were 30 complaints from members of the public and 10 complaints from elected members. Therefore, the record of the City Council remains sound and the revised local assessment system and processes put in place since April 2012 appear to be functioning well.
- 4.3 There has been a significant decrease in the number of complaints made by Councillors against other Councillors. Quite often these complaints are relatively minor matters regarding the use of Council resources. I am pleased to tell you that the new rules written by the Monitoring Officer relating to use of Council resources regarding financial and other control measures, are now in place and are greatly assisting Councillors to avoid complaints to the Committee.
- 4.3 The handling of complaints by Councillors against other Councillors by way of referring these to the Political Groups via the Group Secretaries for mediation with such assistance from the Monitoring Officer has proved to be both helpful and beneficial to all concerned parties.
- 4.4 Overall our view is that the Conduct of Councillors remains high and the reputation of the Council in this respect is well preserved. However, from time to time apparently serious matters do come before Committee and we will continue to deal properly and fairly with any complaints.
- 4.5 Together with my joint Chairman, Peter Wiseman, may I thank all Committee members – both independent members and Councillors for your acceptance of our current system; which inevitably reduces your active participation, and also all Councillors for their patience and co-operation in what can sometimes be a challenging and time consuming process.

Signed:

A handwritten signature in dark ink, appearing to read 'Philip Richardson', is shown within a rectangular box.

Philip Richardson-Chairman, Standards Committee

STANDARDS COMPLAINTS APRIL 2016 – MARCH 2017

6 (i)

No	Ref:	Month	Complainant	Councillor(s)	Party	Form Sent (Date)	Decision	Investigator
1.	PC69	Mar			Cons	07.03.16	Awaiting Complaint Form	-
2.	PC70	Mar			Cons	15.03.16	Not Code of Conduct Matter	PP/RC
3.	PC71	Mar			Cons	29.03.16	Not Code of Conduct Matter	PP
4.	PC72	Mar			Lab	29.03.16	Awaiting Complaint Form	-
5.	PC73	Mar			Lab	29.03.16	Not Code of Conduct Matter	PP/RC
6.	PC74	Mar			Lab	04.04.16	Not Code of Conduct Matter	Michael Day (W/B)
7.	PC75	Mar			Lab	04.04.16	Awaiting Complaint Form	-
8.	PC76	Apr			Cons	01.04.16	Under Informal Investigation	PP/RC
9.	PC77	Apr			Cons	06.04.16	Resolved	KC
10.	PC78	Apr			Lab	20.04.16	Awaiting Complaint Form	-
11.	PC79	Apr			Lab	20.04.16	Under Informal Investigation	PP/KC
12.	PC80	Apr			Lab	N/A	No contact details provided	-
13.	PC81	Apr			Lib Dem	10.05.16	Awaiting Complaint Form	-
14.	PC82	June			SCTC	14.06.16	Under Informal Investigation	PP/RC
15.	PC83	June			Lab	29.06.16	Not Code of Conduct Matter	PP
16.	PC84	June			SCTC	29.06.16	Under Informal Investigation	PP/RC
17.	PC85	June			Lab	29.06.16	Awaiting Complaint Form	-
18.	PC86	June			Lib Dem	29.06.16	Awaiting Complaint Form	-
19.	PC87	July			Lab	27.07.16	Under Informal Investigation	PP/RC
20.	PC88	July			Lab	28.07.16	Under Informal Investigation	PP/RC
21.	PC89	July			Lab	28.07.16	Not Code of Conduct Matter	PP
22.	PC90	Aug			Lab	18.08.16	Not Code of Conduct Matter	KC
23.	PC91	Aug			Lab	22.08.16	Not Code of Conduct Matter	-
24.	PC92	Aug			SCTC	24.08.16	Under Informal Investigation	PP/RC
25.	PC93	Aug			Lab	24.08.16	Awaiting Complaint Form	-
26.	PC94	Aug			Inde	25.08.16	Awaiting Complaint	-

No	Ref:	Month	Complainant	Councillor(s)	Party	Form Sent (Date)	Decision	Investigator
							Form	
27.	PC95	Sept			Lab	03.10.16	Awaiting Complaint Form	-
28.	PC96	Oct			N/A	07.10.16	Awaiting Complaint Form	-
29.	PC97	Oct			Cons	06.10.16	Under Informal Investigation	PP/RC
30.	PC98	Oct			N/A	31.10.16	Awaiting Complaint Form	-
31.	PC99	Nov			Cons	15.11.16	Not Code of Conduct Matter	PP
32.	PC100	Dec			Lab	12.12.16	Under Informal Investigation	PP/RC
33.	PC101	Dec			Lab	15.12.16	Under Informal Investigation	PP/RC
34.	PC102	Jan			SCTC	11.01.17	Under Informal Investigation	PP/RC
35.	PC103	Jan			SCTC	19.01.17	Under Informal Investigation	PP/RC
36.	PC104	Jan			SCTC	19.01.17	Under Informal Investigation	PP/RC
37.	PC105	Jan			SCTC	19.01.17	Under Informal Investigation	PP/RC
38.	PC106	Feb			Labour	07.02.17	Awaiting Complaint Form	PP/RC
39.	PC107	Feb			Labour	09.02.17	Awaiting Complaint Form	PP/RC
40.	PC107	Feb			Unknown	14.02.17	Under Informal Investigation	PP/RC

Decisions

Upheld (Whole or Part)	
Not Upheld	
Under Informal Investigation (Decision Awaited)	15
Under Formal Investigation	1
Resolved	1
Not Code of Conduct Matter	8
No Form Received	15

KEY:
RESOLVED/CLOSED
UNDER INFORMAL INVESTIGATION BY MO
NO COMPLAINT FORM RECEIVED
PP-Prakash Patel/RC-Robert Connelly/ KC-Kate Charlton
SCTC-Sutton Coldfield Town Council

Councillors Complained Against (N.B. the same Councillor may have been complained about on more than one occasion)

Conservative	7
Labour	20
Liberal Democrat	2
Independent	1
Frankley Parish Council	-
Sutton Coldfield Town Council	7
Unknown	3