

BIRMINGHAM CITY COUNCIL

STANDARDS COMMITTEE

FRIDAY, 28 JANUARY 2022 AT 11:00 HOURS
IN COMMITTEE ROOM C, COUNCIL HOUSE EXTENSION, 6
MARGARET ST, BIRMINGHAM, B3 3BG

A G E N D A

1 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable 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.

2 APPOINTMENT TO COMMITTEE

To note that Councillor Mike Ward has been appointed by City Council on 2 November 2021 to the Committee, filling the vacancy, for the period ending with the Annual Meeting of City Council in May 2022.

3 APOLOGIES

To receive any apologies.

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4 MEMBER TRAINING AND INDUCTION UPDATE

Report of the Assistant Director Governance.

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5 UPDATE ON COUNCILLORS COMPLAINTS FOR THE PERIOD APRIL 2021 TO DECEMBER 2021

Report of the Assistant Director Governance.

6 OTHER URGENT BUSINESS

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

7 **AUTHORITY TO CHAIR AND OFFICERS**

Chair 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'.

Birmingham City Council
Standards Committee
 28 January 2022



Subject: Members Training and Induction Update

Report Author: Robert Connelly

1. Purpose of report:

1.1 To provide the Committee:

- i. With an overview of the Member induction and training programme that was offered in 2021/22.
- ii. To highlight the new members perspective on the 2021 induction process.

2. The Member Programme 2021/22

2.1 Within this section of the report I have set out the sessions held in 2021/22, with particular focus on newly elected members. Due to Covid most of the sessions offered were held online.

2.2 Members of the Committee are asked to consider what was on offer and how this can be improved from May 2022 onwards.

Induction

2.3 An induction session was held with the four new members in May almost immediately after they were elected and covered a number of key areas. Thereafter additional resources were provided to Members, both new and existing.

Date	Title	Format	Audience	Attendance	% attendance
10/05/2021	Members Induction	Face-2-Face	New Members	4	100%
09/06/2021	Your Development offer	On-line	All	6	6%
June 2021 External	LGA Newly Elected Members Induction	On-line	New Members	3	75%

- 2.4 The Groups were also approached to discuss whether any newly elected councillors would potentially be appointed to a Scrutiny Committee. If so, these Members could be offered an on-line training session headed “*An introduction to Scrutiny*” which was provided by LGIU on 15 June.
- 2.5 Following the by election in October the newly elected Member was given an induction session which covered, amongst other things, the code of conduct, declaration of interests and social media awareness.
- 2.6 In addition all elected members are provided with a Councillor’s handbook which contains information covering:
- Council leadership team,
 - Vision and priorities,
 - Allowances,
 - Members development programme,
 - Casework management,
 - Building evacuation/security,
 - Personal health and safety,
 - Contacts within Legal and Governance for assistance
- 2.7 The handbook looks to provide a single point of reference for the basic queries.

General Member Sessions – all Councillors

- 2.8 Furthermore the following information briefings/development sessions were offered to all Members:

IT Sessions delivered by Digital & Customer Services

Date	Title	Format	Audience	Attendance	% attendance
13/05/2021	Cyber Security Awareness	On-line	All	4	4%
17/05/2021	5G Briefing	On-line	All	3	12%
24/05/2021	5G Briefing	On-line	All	4	
27/05/2021	5G Briefing	On-line	All	5	
23/06/2021 & 30/6/2021	Digital Strategy and Insight – updates for members	On-line	All	12	12%
04/11/2021	Cyber Security Awareness for Councillors	On-line	All	5	7%
01/12/2021	Cyber Security Awareness for Councillors	On-line	All	2	

Customer services sessions delivered by Digital & Customer Services

Date	Title	Format	Audience	Attendance	% attendance
14/05/2021	Customer Services Complaints Process	On-line	All	11	24%
18/05/2021	Customer Services Complaints Process	On-line	All	13	

Member conduct/assurance sessions delivered by Legal & Governance

Date	Title	Format	Audience	Attendance	% attendance
22/09/2021	Social Media Guidance	Teams	All	9	-
27/09/2021	Declarations of Interests	Teams	All	3	-
29/09/2021	Code of Conduct	Teams	All	11	-
07/10/2021	Declarations of Interests	Teams	All	4	-
21/10/2021	Code of Conduct	Teams	All	4	-
17/11/2021	Social Media Guidance	Teams	All	8	17% (overall)
23/11/2021	Declarations of interest	Teams	All	8	15% (overall)
23/11/2021	Code of Conduct	Teams	All	8	23% (overall)

Personal Safety delivered by HR

Date	Title	Format	Audience	Attendance	% attendance
20/10/2021	Lone Working and Personal Safety	Teams	All	7	11%
01/12/2021	Lone Working and Personal Safety	Teams	All	4	

Health and Wellbeing Awareness delivered by Occupational Health and Safety

Date	Title	Format	Audience	Attendance	% attendance
30.11.2021	Health and Wellbeing Awareness Session	Teams	All	2	8%
2.12.2021	Health and Wellbeing Awareness Session	Teams	All	3	
19.01.2022	Health and Wellbeing Awareness Session	Teams	All	3	

Commonwealth Games 2022 delivered by CWG Team

Date	Title	Format	Audience	Attendance	% attendance
17/05/2021	Celebrating Communities Fund Briefing for Councillors	On-line	All	8	25%
16/09/2021	Celebrating Communities Fund Briefing for Councillors	On-line	All	11	
17/09/2021	Celebrating Communities Fund Briefing for Councillors	On-line	All	6	

BCC Finance

Date	Title	Format	Audience	Attendance	% attendance
10/01/2022	BCC Finance - City Council Budget Setting Process, and Councillors role in approving the budget	Teams	All	7	17%
17/01/2022	BCC Finance - City Council Budget Setting Process, and Councillors role in approving the budget	Teams	All	10	

Member Proud Host City Forum

This is an informal group meeting open to all members. And allowed the Commonwealth Games team (CWG)t and sessions were held to provide updates on:

- Commonwealth Games volunteering
- Ticketing arrangements
- Perry Barr 2040 Masterplan & Creative City Grants

2.9 Between now and May Member Services are arranging further sessions on Equality & Diversity (dates to be confirmed) but appreciate that these may overlap with election campaigning which may in turn affect attendance. However, these will be run again post May 2022.

2.10 Also, the following role specific sessions were offered to Members:

Date	Title	Format	Audience	Attendance	% attendance
June 2021	Licensing & Public Protection Committee – new members		New Members on LPPC	2	100%

Date	Title	Format	Audience	Attendance	% attendance
August 2021	Licensing & Public Protection Committee*		Committee Members	5	
13/10/2021	Licensing & Public Protection Committee*		Committee Members	5	80%
9 & 24 November 2021	Licensing & Public Protection Committee*		Committee Members	2	
26/10/2021	JNC Recruitment Panel Training		Members involved in JNC recruitment (c25)	5	
6/12/2021	JNC Recruitment Panel Training		Members involved in JNC recruitment (c25)	(tbc)	

2.11 Training for those appointed to outside boards by the Council was undertaken by Legal Services who held one to one sessions with Members. It would also be sensible to take this opportunity to review the training as feedback from some Members suggest that there was not always clarity about what their role was nor what was expected of them.

2.12 Online Learning was also available from the Council and this was provided by the Digital and Customer Services, via the Modern Workplace Hub. This is similar to the what is available to Officers.

2.13 Some of the sessions available via the online learning include:

- Teams beginners level
- Outlook beginners level
- Working from Home - IT basics
- Introduction to Office 365 tools
- Teams intermediate level
- Outlook Message Encryption (OME)

2.14 Also available were sessions on Lone Working and Personal safety' which looked at:

- Understanding personal safety.
- Being aware of personal safety whilst travelling to work.
- Developing your own personal safety strategies based on best practice.
- Reducing your own and your colleagues' potential for becoming a victim of violence and aggression.
- Identifying who may be at risk and why.

LGA Events

- 2.15 The Council also sought to rely on training and support provided by the Local government Association (LGA). In part this would provide Councillors with greater flexibility in determining for themselves what support was needed and when. This could potentially be supplemented by the Council where required.
- 2.16 As part of this the LGA has developed a New Councillor Hub which provides newly elected members with essential information to help with their roles and to complement induction undertaken by Councils. It covers items such as:
- the councillor's role;
 - how local government is organised;
 - the model code of conduct and standards; and
 - decision making.

It also provides links to the political groups at the LGA; regional teams; information on support and development.

- 2.17 Councillors could also register for the LGA the new e-learning platform. This allows councillors to create a bespoke learning programme, choosing relevant modules to enable councillors to deepen their own knowledge of local government, and essential leadership skills needed to work effectively with communities.
- 2.18 However, we do need to be mindful that this might not suit all members as we have to recognise that everyone has slightly different learning styles.
- 2.19 Other online training which the Councillors were encouraged to consider, and which is available from the LGA (as well as internally), was an overview on the General Data Protection Regulation and Equalities, Diversity & Inclusion.
- 2.20 Also made available to Members was the LGA suite of learning materials which includes a set of workbooks which, amongst other things, covers:
- The role of leaders and cabinet members during the COVID-19 pandemic
 - Effective opposition during COVID-19, reset and recovery
 - Equality, diversity and inclusion
 - Acting on climate change
 - Being an effective ward councillor
 - Bribery and fraud prevention
 - Chairing skills
 - Commissioning services
 - Community leadership
 - Councillor / officer relations
 - Engaging young people
 - Facilitation and conflict resolution
 - Handling casework
 - Handling complaints for service improvement
 - Influencing skills
 - Local government finance
 - Mentally healthier places
 - Planning

- Neighbourhood and community engagement
- Neighbourhood planning
- Scrutiny
- Scrutiny of finance
- Stress management and personal resilience
- Supporting residents with complex issues
- Working with town and parish councils

2.21 What is also becoming increasingly popular over various sectors is the use of online webinars and local government is no different. During the pandemic the use of webinars has become a good way for training to be delivered as it also provides the opportunity for these to be viewed at a later date which again makes it more flexible for Members. The ones listed below represent just a small number of what was available:

Personal Safety for Councillors	The LGA has launched a series of webinars to help support councillors' personal safety. The aim of the session was to equip councillors with the best tools to help them be and feel safe while carrying out their duties as a councillor. The sessions covered personal safety, risk assessment, use of technology, safe approaches to canvassing, visits, surgeries and travelling, alongside how to manage harassment and stalking incidents.
Time Management	This webinar for newly and recently elected member, and funded by government, aims to examine how councillors can balance the pressures and expectations of their role and develop effective time management strategies which work. It also examined the related issue of personal resilience and how councillors can avoid burnout and stress through a number of practical steps.
Leadership webinar on scrutiny essentials	This webinar was again for newly elected members and aspiring chairs with an overview of scrutiny.
National Children and Adult Services Conference	This virtual conference offered the opportunity to hear from high profile ministerial and keynote speakers and to engage in interactive workshops on the current and future challenges. Sessions included issues and priorities within children's and adult services at a strategic level, innovations within the service with participation from senior representatives from various bodies to share perspectives and experiences

2.22 The issue is that whilst there is a lot of support/training available for Councillors there is a real risk of the information overload (especially for new Members). We

also need to consider that for the majority of Members time is limited especially where many members have an outside jobs/responsibilities and/or family commitments.

3. The Councillors Perspective

3.1 The Chair of Standards committee and I decided that it would be helpful to gain an insight into how effective the induction process and training was by meeting the 4 councillors elected in May. This was a very useful exercise. There were a number of positives, but a number of potential areas for improvement also came to light.

3.2 Some of the positive comments included:

<i>Practical issues all worked well.</i>
<i>Some good experience with buddy system within the group but can be inconsistent.</i>
<i>Training sessions went well.</i>
<i>Training on standards was good as clear and precise.</i>
<i>Members learning sessions are good but finding time a problem and didn't have the time.</i>
<i>The induction process was managed well and helpful – the sessions were successful as only 4 of us so it felt more personal and tailor made for our needs.</i>
<i>Lots of training sessions offered on an ongoing basis.</i>
<i>More offered in the last 2/3 months.</i>
<i>Code of conduct sessions presented in an understandable manner.</i>
<i>Officers keen to help and were supportive both at the training sessions but also afterwards.</i>
<i>Training choices of LGA are very good but don't have time to take advantage.</i>
<i>It can be difficult to match up the needs of all councillors because of differing learning styles but there was a good mix of what was on offer.</i>

3.3 Some of the comments/suggestions made by the Councillors to help improve the induction/training process included:

<i>Would be helpful to have a single sheet of paper as to where to get responses from departments.</i>
<i>Nothing can prepare you for the reality of being a councillor.</i>
<i>Name of officers who can be contacted and who have responsibility for their ward.</i>
<i>A simply guide to what each directorate does – not always clear from the directorate name.</i>
<i>“Where I have a problem can we have a single point of contact within each department/directorate”.</i>

<i>A made simple guide to full council</i>
<i>Social media training – needs to be done earlier now that an elected official.</i>
<i>Not trained to be a councillor</i>
<i>Didn't feel training bears comparison with the process in other professional environments.</i>
<i>Some training sessions need to be done at the initial induction or at least within the first month.</i>
<i>Had no idea how to deal with casework</i>
<i>In May you need to prioritise new members</i>
<i>Struggled with all the abbreviations used by the council</i>
<i>Need a contact list of officers or someone I can ask for help</i>
<i>Buddying system within the group can be hit and miss and needs to be more formalised with greater consistency.</i>
<i>"I know it can be difficult to match up the needs of all councillors because of differing learning styles."</i>
<i>Might be better to go through the declaration form box by box to explain what each means.</i>
<i>There is an overload of information</i>
<i>Grey area around social media and how to protect yourself.</i>
<i>Directorate Names don't lend themselves to identifying what functions they cover. Don't always know what departments do. Would like 30 minute session from each department/directorate to explain what they cover and do.</i>
<i>Caseworker management system is too officer focused rather than member focused – is poor when compared to the caseworker system used by MPs</i>

- 3.4 In the various sessions there were some common themes including the support provided to new elected members in the “early days”. The Groups might consider whether and how a mentoring/buddying scheme could be more consistent/robust. This would also assist new members in getting to know their way around the various directorates, what their responsibilities are and to ensure that they have a single points of contact.
- 3.5 As part of the discussions with the Members we were able to identify the key areas that will need to be covered for new members within the first couple of weeks of their term. It was suggested that these should cover the essentials with more detailed sessions later in the year.
- 3.6 The essentials include:
- *Code of conduct*
 - *Declaration of interests*
 - *Social media*

- *How does the council work (this would include the members enquiries/complaints system)?*
- *Safeguarding/corporate parenting obligations*

3.7 Other key areas that were highlighted include updates on the Commonwealth Games and Emergency Planning. Again, the issue is how to get the balance right as new members (and existing members) will be expected to deal with casework from their first day as a councillor.

4. Birmingham City Councillor Induction for May 2022

4.1 At the next steering group meeting it is proposed to look at what the induction and training programme might look like for new Members (as well as existing Members) in the period May 2022 to July 2022 and then beyond.

4.2 This will start on Monday 9th May and based on previous years this could potentially look something like:

- Swearing in of members by the Chief Executive.
- Members can meet the Council's Corporate Leadership Team who can introduce themselves and outline their collective vision and some of the key activities for the year ahead.
- Introductory sessions on the Code of Conduct & Declarations of Interest - the key points.
- Being a Corporate Parent – what does this mean and BCC's commitment to our most vulnerable citizens and the role of Councillors in our Corporate Parenting responsibilities
- Council ID, Photos, and ICT&D will be in attendance to assist Councillors with the issuing of IT.

4.3 The Steering Group will also need to consider what training/development needs to be made available until the beginning of July and how that is delivered. As a suggestion only this could take the following format:

When	Development / Training
Week Commencing: 16 May 2022 (2 sessions of each 1 mid-morning, 1 evening)	<ul style="list-style-type: none"> – Decision Making Structure: To enable Councillors to effectively contribute to setting the strategic agenda and programme of work for the Council: – Cabinet (Executive) Functions – Scrutiny Services.

When	Development / Training
	<ul style="list-style-type: none"> – Committee Services, Ward Forums including visit to Council Chamber to test equipment; – Introduction to CMIS – Data Protection and GDPR
<p>Week Commencing: 23 May 2022 (2 sessions of each 1 mid-morning, 1 evening)</p>	<ul style="list-style-type: none"> – Customer Services – Overview of complaints process, members enquiries / complaints system. – Ward Governance – To provide members with an overview of the ward governance arrangements; – Advice, guidance and information on the running of local ward forum meetings; – Opportunity to meet the full team from the Neighbourhood Development and Support Unit (NDSU).
<p>Week Commencing: 6 June 2022 (2 sessions of each 1 mid-morning, 1 evening)</p>	<ul style="list-style-type: none"> – Equalities, Diversity and Inclusion - workshop introduces the role of city councillors in understanding the Equality Act (2010), and the Equality Duty (2011). – Health and Wellbeing session, to discuss the support available to members and share the future vision and plans for Wellbeing at Birmingham City Council.
<p>Week Commencing: 13 June 2022: (2 sessions of each 1 mid-morning, 1 evening)</p>	<ul style="list-style-type: none"> – Cyber Security – To demonstrate how cyber security affects us all - both at home and at work. To give members an insight into what happens when security breaks and how to keep safe. – Additional and more detailed session on social Media Guidance for Elected Members introduction

When	Development / Training
	to guidance for members and opportunity to raise any questions.
Week Commencing: 20 June 2022: (2 sessions of each 1 mid-morning, 1 evening)	<ul style="list-style-type: none"> – The Company Director – Covering the Roles, Responsibilities and Duties. – Lone Working and Personal Safety; how to you manage your safety, identify steps which you could implement to help keep you safe, techniques to defuse anger.
Week Commencing: 27 June 2022:	<ul style="list-style-type: none"> – Suggestion for site visits, getting to know the services
Week Commencing: 4 July 2022:	<ul style="list-style-type: none"> – Suggestion for site visits, getting to know the services

- 4.4 In addition there will be role specific training for members which will be offered following appointment to relevant committees.

5. Other Considerations

- 5.1 There have been discussions on whether training should be mandatory, and if so, what elements of training should be made mandatory.
- 5.2 Mandatory training might not be universally welcomed on the basis that not all training would be at the standard required and that Members themselves should be able to determine their priorities for personal development.
- 5.3 Equally there is a recognition by most that all Members should have a basic level of training (including refresher training) in the core areas of responsibility and be given support to ensure that they have the necessary skills to undertake the role to which they have been elected/appointed.
- 5.4 As part of any discussions, consideration must be given to how that is implemented, and what, if any, training should be mandatory and whether that is subject to refresher training during a member's 4-year term of office.
- 5.5 Whether, in the light of recent experience, additional training should be provided for those members wishing to serve in the cabinet.

- 5.6 Whilst there is very much a focus on member training/development, work is also being undertaken to look at what support the Council can provide if a Councillor who is standing for election is not re-elected. The proposal is to bring an update to the next steering group meeting for discussion.
- 5.7 Finally it would also seem sensible if the Independent Remuneration Panel (IRP) were consulted about member development, as it could link to their various work programmes.
- 5.8 In addition it might be helpful for a short briefing session to be built into the Members training programme so as to allow the IRP to explain what the IRP does and how Members can contribute to its work.

Birmingham City Council Standards Committee

28 January 2022



Subject: Update on Councillors complaints for the period April 2021 to December 2021

Report Author: Robert Connelly Assistant Director – Governance

1. Purpose of report:

- 1.1 To provide the Committee with an interim update on complaints under the Council's Code of Conduct during the period April 2021 to December 2021.

2. The relevant legislation and protocols

- 2.1 The Localism Act 2011 ("the Act") introduced fundamental changes to the regulation of standards of conduct for elected and co-opted members.
- 2.2 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)
- 2.3 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
- 2.4 In May 2021 the Council adopted the Local Government Associations Model Code of Conduct with some slight amendments to reflect Birmingham's local circumstances.

- 2.5 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. Complaints

- 3.1 A total of 27 complaints have been made during the period April 2021 to December 2021, the period covered by this report.
- 3.2 These cases can be broken down into categories as follows:

Complaint Type	Number
Failure/delay in responding to a constituent	7
Making misleading statements	1
Complaint incomplete/insufficient//Anonymous	3
Incorrect declaration of interest	1
Service delivery	2
Performance	5
Behaviour	3
Councillor / Councillor	4
Other	1
Total	27

- 3.3 In all cases when a complaint is received there is an initial assessment by the Monitoring Officer (or her/his staff) to determine whether it falls within the scope of the Code of Conduct and therefore within the remit of the Standards Committee (the Committee).
- 3.4 In some cases, at this initial assessment stage a complaint may be deemed “invalid” as it doesn’t fall within the scope of the code of conduct. This would include, for example, complaints that relate to service delivery such as waste collection. When complaints of those nature are received, they will be referred to the relevant service area.
- 3.5 These will also include complaints that are incomplete or lack sufficient detail to allow for an assessment to be made. In respect of the latter a complainant will

normally be contacted for further information but if that is not forthcoming the matter will be closed.

- 3.6 This leaves a residual group of complaints which merit further analysis. As can be seen from the above table the biggest source of complaints is around allegations of a Councillor's failure to respond to a constituent's query.
- 3.7 In the eyes of the Complainant the failure may be highly emotive. However, whether a failure to respond can amount to a breach of the Code has to be viewed objectively and in context of the failure. Contrary to the belief of some, the Code of Conduct does not impose an obligation that a Councillor is automatically responsive and fully engaged with their constituents. Of course, not all constituents share this view.
- 3.8 While it is clearly good practice for councillors to respond to all enquiries from their local community, there is no requirement for them to do so. While a Councillor should be careful not to be openly rude or disrespectful to their constituents (which would potentially amount to a breach of the Code of Conduct), they are arguably under no obligation to assist them and that does cause confusion and can give rise to complaints.
- 3.9 When a complaint is received, a copy is usually forwarded to the relevant Councillor for comment. It is encouraging that in nearly all complaints under this category, the Councillors were quick to apologise to the constituent and to provide an explanation as to why this occurred.
- 3.10 The reasons for any delay can vary from workload, simply oversight or even wellbeing issues. In one instance the Councillor had passed the query to the relevant department to investigate and respond (rightly) but had simply not kept the constituent informed.
- 3.11 This does raise an interesting question as to what extent, if any, is the Monitoring Officer/the Committee responsible for overseeing how individual councillors represent their ward. In the majority of cases the political groups are better placed to deal with such issues.
- 3.12 The next largest category of complaints, which is connected, is about a Councillors performance and whether they are adequately representing their ward.
- 3.13 In complaints of this nature it is not uncommon for the Complainant to ask that the relevant Councillors be removed from office. However, as the Committee will appreciate that is not something within the remit/power of the Committee (or a political party or the Council).
- 3.14 In such cases the complaint is referred to the relevant Group who are probably in a better position to decide how best to address the concerns that have been raised and, if necessary, provide additional support for the Councillor(s). In such cases I am pleased to report that the Groups are keen to work with the Monitoring Officer to achieve a resolution.

- 3.15 The other area that is worth highlighting is the category headed Councillor/Councillor complaints where a complaint has been made by one Councillor against another.
- 3.16 In total there were 4 such complaints although as 2 of these were only made recently, they are still in the early stages of the complaints process.
- 3.17 To assist Councillors, I think it would be helpful to briefly set out some of the facts and the decision taken in the 2 cases that have been considered under the code of conduct.

Example 1

A Councillor published a leaflet saying that the Council had taken the decision to undertake some action that would potentially have an adverse effect on residents in a certain area.

The other ward Councillor took issue with the contents of the leaflet and in an email to a constituent said that the Councillor had deliberately mislead them.

However, the contents of the leaflet were based on information provided to the Councillor by an Officer in an email and the wording of the email could have easily been interpreted that a “decision” had been made.

As part of my findings I found that:

- The Councillor was justified in making that “decision” publicly known to residents.
- Whilst the Councillor may have used hyperbolic language for effect, what was said was correct to the best of their knowledge.
- The comment that that the Councillor was misleading constituents was erroneous.

- 3.18 In terms of a resolution I determined that the appropriate remedy (having consulted with the Independent Person and the Chair of Standards as well as both Councillors) was to remind the Councillor of their responsibilities (which they duly acknowledged). Whilst they could still be robust in any response, care ought to be taken about the choice of words (in this case “deliberately misleading”) as these can easily be misconstrued by the reader.

3.19

Example 2

Following an exchange on social media Councillor 1 made comments about Councillor 2 that potentially could be construed as a potential breach of the code by bringing the Council into disrepute and affecting the reputation of members generally.

Upon speaking with the Councillors, the following factors were considered:

- The nature of the complaint and the likely impact on both the individual member and the Council as a whole
- That the comments were made in the political arena and that there is an expectation that there will be a certain level of criticism between political opponents.
- The actual words used by the Councillor.
- What would be an appropriate remedy?

- 3.20 Taking into account all the facts I again opted to remind Councillor 1 of their responsibilities and how comments made by Councillors can easily be misconstrued by the reader.
- 3.21 However, if Councillor 1 used similar language in the future my approach might be different bearing in mind that the Councillor had already “been reminded of their responsibilities”.
- 3.22 There were other categories, such as a councillors’ behaviour, where the Monitoring Officer, via the Investigating Officer, carried out an initial assessment and determined that there was no breach of the code.
- 3.23 It is also worth noting that there was only 1 complaint regarding the use of social media. Unusually the Councillor in this instance blocked a constituent as he felt that the comments were becoming more personal and as a result the Councillor no longer wanted to engage with them. The constituent felt that he had been “cut off” but the Councillor was clear that he could still contact him via other channels (such as email) if he required assistance. In my view that did not amount to a breach of the Code

4. January 2022 – May 2022

- 4.1 May 2022 will see all City Councillors standing for re-election. This does have the scope to potentially see an increase in complaints that are “politically motivated” as part of any election campaign.
- 4.2 In addition social media plays an increasingly important part in election campaigns. This creates the potential for councillors to be tempted into making inappropriate and personalised comments that might breach the code, which but for the election they would not otherwise have made.
- 4.3 Birmingham is consistently striving to be at the forefront of improving its corporate culture which includes improved training and development for all Councillors. We also have to bear in mind that Birmingham will be the at the centre of world attention during the Commonwealth games and Councillors (as well as officers) will have a key role in promoting the City.

- 4.4 Whilst it is acknowledged that electioneering can fall outside the code the Committee may nevertheless wish to consider;
- Asking the Chair of the Standards Committee to write to all Councillors reminding them of the requirements of the Code and the potential for breaches especially when using social media.
 - The Chair to meet with the Group Secretaries to communicate this view in person with the request that they communicate this on to their Group Members.