

BIRMINGHAM CITY COUNCIL

STANDARDS COMMITTEE

**Wednesday, 17th April 2019 at 14:00 hours in the HMS Daring Room,
Council House, Victoria Square, Birmingham B1 1BB**

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 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.

Attached

3 MINUTES

To agree the Minutes of the public session of the meeting held on 13th February 2019.

4 PROPOSED TRAINING ON DECLARATIONS OF INTERESTS

Oral report from the Deputy Monitoring Officer.

5 UPDATE ON RECRUITMENT OF LAY MEMBERS

Oral report from the Deputy Monitoring Officer.

6 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.

7 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’.

8 EXCLUSION OF THE PUBLIC

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

(Exempt Paragraphs 1, 2 and 3)

PRIVATE AGENDA

Attached **10 PRIVATE MINUTES**

To agree the Minutes of the private session of the meeting held on 13th February 2019.

(Exempt Paragraphs 1, 2 and 3)

11 OTHER URGENT BUSINESS (EXEMPT INFORMATION)

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.

**STANDARDS COMMITTEE
13 FEBRUARY 2019**

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD ON
WEDNESDAY, 13 FEBRUARY 2019 AT 1400 HOURS IN COMMITTEE
ROOM B, COUNCIL HOUSE EXTENSION, MARGARET STREET,
BIRMINGHAM B3 3BG**

PRESENT: - Mr Peter Wiseman in the Chair;

Councillor Deirdre Alden, Councillor Adrian Delaney, Councillor
Neil Eustace, Councillor Paul Tilsley and New Frankley Parish
Councillor Ian Bruckshaw.

ALSO PRESENT:-

Rob Connelly, Acting Assistant Director - Governance
Safeena Tonks, Electoral Services Manager, Finance and Governance

APOLOGIES

305 Apologies were received from Councillor Julie Johnson, Councillor Carl Rice,
Steven Jonas, Sutton Coldfield Parish Councillor Derrick Griffin and Raymond
Tomkinson (Independent Observer).

DECLARATIONS OF INTEREST

306 No interests were declared.

MINUTES

307 The Minutes of the meeting held on 12 December 2018, having been previously
circulated, were agreed as a correct record, subject to Minute number 295
being amended to read that "that the Committee met by-monthly."

UPDATE ON COMPLAINTS 2018/19

308 Rob Connelly, Deputy Monitoring Officer, gave a verbal update and advised Members that there had been 27 complaints received since the beginning of the Municipal Year. Performance monitoring was up to date. Some cases had been subject to delays, but there was nothing that would raise concern. In some cases, there had been issues arising from Councillors not closing off casework and correspondence, which was not an ethical issue, but might be drawn to this Committees' attention.

Councillor Paul Tilsley advised that he had raised that as a concern previously, having not received a reply from a Department to which he had referred the issue. As a result, the resident had become irritated that there was no response. However, he needed details from the Department in order to respond.

Rob Connelly advised that separate feedback had been received on the issue of officer responses to Members and that would be addressed outside of this Committee. It was important to avoid complaints having to be received unnecessarily and in such instances it was made clear that the Councillor was not at fault. The Committee noted that contractors could be at fault in not replying, as well as internal Departments.

Concern was expressed that much more casework was being received by Members in the new Ward structure and Councillor Adrian Delaney advised that he had received only a 50% response rate, which was unacceptable. Members agreed with his concern that the new casework system was restrictive. Rob Connelly advised that 9 of the 27 complaints had related to service delivery and he would report on that in the end of year analysis.

WEBPAGE DEVELOPMENT FOR STANDARDS COMMITTEE

309 Rob Connelly, Deputy Monitoring Officer, gave a verbal report and thanked Members for the feedback given on the webpage development. There was an issue regarding the customer journey in finding standards pages on the website and it was difficult to find the code of conduct and policy. The webpage would need to be developed over a period of time, with an explanation of the code of conduct. The webpage would go live in early to mid-March and consideration was being given to examples of good practice.

The Chairman was concerned that the system was not helpful and highlighted that the compliance form had to be found, downloaded, printed and completed. It was not possible to go direct to the form and to complete it online. He concurred that it was difficult to find standards matters and felt that it was important to make the 'customer journey' easier.

TRAINING PROGRAMME FOR MEMBERS

310 Rob Connelly, Deputy Monitoring Officer, gave a verbal report. He advised that training was being developed on the standards regime and one issue raised related to the scope of interests. He intended to submit a report to the next meeting with a draft programme and suggested that the training should be in place by April 2019.

Councillor Deirdre Alden drew attention to the need to update the register of interest forms and to add new items or anything that was missed at the earliest opportunity. She understood that independent members were expected to complete the forms as well as Councillors.

The Chairman proposed that the interests register should be reviewed by this Committee every 6 months to ensure that it was up to date, which was agreed.

LOCAL GOVERNMENT ETHICAL STANDARDS REVIEW - UPDATE

The following report published in January 2019 on Local Government Ethical Standards - A Review by the Committee on Standards in Public Life was submitted:-

(See document No. 1)

Rob Connelly, Deputy Monitoring Officer, made introductory comments relating to the document and tabled the following list of recommendations and list of best practice from the report:-

(See documents Nos. 2 and 3)

Concern was expressed that bullying and harassment was a delicate issue and referred to a bullying incident of which he had been aware. The Chairman believed that there was a need to strengthen the relevant section in the code of conduct and it should list examples of breaches. He advised that the Newcastle upon Tyne code of conduct was quoted in the report and he felt that this Council should adopt similar code of conduct details.

While Birmingham City Council was undertaking the actions set out in best practices 2 to 4, Rob Connelly advised that attention needed to be given to updating the gifts and hospitality register in line with best practice 5. It was noted that the first code referred to gifts over £25 and that raising the figure to £50 had been discussed previously. It was questioned whether reviews should be every 28 days, rather than quarterly. It was felt that the system should be clearer and updates undertaken automatically, perhaps with details emailed to Member services and an acknowledgement sent back to the Councillor. Attention was drawn to an example from another Local Authority of how failure to record gifts and hospitality to lead to a serious breach of the code.

The City Council published a public interest test (best practice 6), but Rob Connelly suggested that the example of best practice in Northern Ireland should be considered for possible means of improvement.

With regard to best practice 7, it was noted that the City Council had only 1 independent advisor, not 2 as recommended. Best practice 8 recommended consulting an independent person on whether to undertake an formal investigation. At present, this was actioned through the Chairman or Deputy Chairman, rather than the independent person.

The Chairman pointed out that Birmingham City Council was one of the few Local Authorities to have retained the normal Standards Committee structure, rather than an 'Ethics Committee' structure involving Councillors only. The lay person was allowed to participate in discussions, but not to vote.

With reference to best practice 9, Rob Connelly advised that he had not had to publish a decision notice on the website to date, but that he would ensure compliance with this and he would review the recent case investigated. This best practice referred to 'formal', rather than 'informal' investigations.

Members were advised that action had been taken or had been initiated in line with best practices 10 to 15. With regard to separate bodies set up or owned, Councillor Paul Tilsley informed the Committee that the Audit Committee had considered a report recently and it might help this Committee to look at that report.

311 **RESOLVED:-**

That the report published in January 2019 on Local Government Ethical Standards be noted.

OTHER URGENT BUSINESS

312 No urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

313 **RESOLVED:-**

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

EXCLUSION OF THE PUBLIC

314

RESOLVED:

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

(Paragraphs 1, 3 and 4)
