

Birmingham City Council Standards Committee

8th June 2023



Subject: Update on Councillor Complaints April 2022 – March 2023.

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This report contains exempt information and Appendix 1 has been published as an exempt item under Schedule 12A Part 1 (1) (2) & (7) of the Local Government Act 1972

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 2022 – March 2023.
- 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
- 3.5 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 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 complaints procedure.
- 3.7 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.
- 3.8 To assist the Committee in gaining an understanding of the complaints a summary has been set out in Exempt Appendix 1 setting out a brief outline of the complaint and the outcome.

4. Financial Implications

- 4.1 There are none arising from this report

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 Exempt Appendix 1