

20 April 2023

BIRMINGHAM CITY COUNCIL

STANDARDS COMMITTEE 14 APRIL 2023
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MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD ON FRIDAY, 14 APRIL 2023 AT 1000 HOURS IN HMS DARING ROOM, COUNCIL HOUSE, MARGARET ST, BIRMINGHAM

PRESENT: - Mr Peter Wiseman in the Chair;

Stephen Atkinson, Councillor Kath Hartley, Councillor Mahmoud Hussain, Steven Jonas, Zubair Khan, Councillor Gareth Moore and Councillor Paul Tilsley, Councillor Terry Wood.

ALSO PRESENT: -

Janie Berry, Monitoring Officer

Rob Connelly, Deputy Monitoring Officer

DECLARATIONS OF INTERESTS

There were no declarations of interest.

APOLOGIES

Apologies were received from Councillors Alden and Green, and Alastair Cowan and Ray Tomkinson

MINUTES

The minutes of the meeting held 16 February 2023 were agreed subject to the following amendments:

- Terry Wood be referred to as Cllr Terry Wood as he is the representative from Royal Sutton Coldfield Town Council.
- The references to background documents be removed.

UPDATE REPORT ON DISPENSATIONS

The report of the Deputy Monitoring Officer (DMO), Robert Connelly, had been circulated providing the Standards Committee with requests for dispensations made pursuant to the Localism Act in respect of the meeting of Full Council on 28th February (Budget meeting).

In discussion the following points were made: -

20 April 2023

There had been further requests for dispensations following the previous meeting. A number of these had been from the Conservative Group but this was partly because the Group had encouraged its members to check their declarations. The updated report sets out the dispensations. A separate dispensations report would come to the Committee in June for any received since the last meeting.

The DMO at the meeting of the Cabinet in March reported that a report had been presented by a Cabinet Member part of which covered funding allocated to an organisation for which the Cabinet member was on the board. At the meeting she was advised to leave the room. This had raised concern as she was the relevant Cabinet member for the issue with the relevant skills, knowledge and information. The DMO had been in contact with the groups on this situation.

There was a concern that had she remained in the meeting she would have been voting on an organisation she represented receiving funds. Following discussions, three options were presented for future practice:

- The member in question be asked to leave the meeting.
- A dispensation be granted whereby the member could remain present and speak on the issue, but not vote.
- A dispensation whereby the member could remain, speak and vote.

The following observations were made:

- It was posited that in the aforementioned case, there was technically no pecuniary interest as there had been no remuneration to the member in question.
- The issue was raised of how such a situation might appear to the public, particularly with regard to any perceived bias.
- It was important that members were seen to take responsibility to explain an issue and answer questions on it, even if they did not vote on the issue.
- If the member was allowed to speak (but not necessarily vote) it was important that the declaration be made and recorded.

The issue was compared with that of a member of the Scrutiny Committee. Should a member be asked to leave a scrutiny meeting due to an interest, this could impede the scrutiny process. It was considered that the situation is different because scrutiny committees are not decision-making committees.

The DMO suggested that more training was needed, particularly for committee chairs. He added that a declaration at the start of a meeting would help to clarify the situation and protect members, as well as making the other members aware of the interest.

It was suggested that set wording was devised for Councillors who wished to declare a non-pecuniary interest to clarify that they received no remuneration. However, concerns were raised that if wording was too prescriptive it could be restrictive. It was suggested that members in such a position make the declaration, refer to their Register of Interests, and say that they would speak but not vote on the issue. However, suggested wording could be given as guidance. It was further suggested that declarations be worded in such a way that members of the public could easily understand what was meant. The importance of declarations being comprehensive was also stressed.

20 April 2023

The following comments were made:

- Officers could advise members on making declarations and when to leave a meeting, however, they did not have the ability to require a member to leave a meeting. It was ultimately the decision of the member.
- Trusts were considered differently to council-appointed directorships in terms on interests, as a trustee's primary responsibility was to the interests of the trust, which over-rode their role as a Councillor.
- Many Councillors were also volunteers in some capacity, however, if there were too many penalties, it could prevent Councillors carrying out their work.

RESOLVED: -

- (i) That the report be noted.
- (ii) That a recommendation be made that in respect of cabinet members that where there is a non-pecuniary interest (or other non registerable interest) the cabinet member be allowed to present the report, take questions but not vote.
- (iii) That the Code of Conduct be amended to reflect the recommendation if accepted.

REPORT ON MEMBERS GIFTS & HOSPITALITY

The DMO outlined how the estimated value and reasons for hospitality were recorded. It was noted that hospitality was sometimes accepted without giving a reason. It was further noted, that there was the need for further clarity on hospitality valued over £50 as hospitality of any value above £50 was treated the same.

In discussion the following points were made: -

Whilst it was sometimes obvious as to why hospitality had been accepted, it was not always clear, and as such a short statement should be given as to the reason for acceptance. Further to this it was suggested that an estimate of the amount be given.

Issues were raised surrounding perceptions of why hospitality was being accepted and what the benefits for the offeror could be. It was important to think about why gifts and hospitality were being offered and the motives behind the offers. The public was entitled to know why gifts and hospitality were being accepted c.f Central Government where great effort has been gone into establishing why gifts and hospitality were being offered and received and why. It was hoped that through training the Council could raise the standard on the issue.

The Monitoring Officer (MO) advised that a trend was emerging around the country on gifts and hospitality that were being declined and recorded as such, so that themes on alleged corruption, bribery and fraud could be tracked. However, some concerns were raised about how that would work in practice simply because of the sheer volume of, for example, free attendance at various conferences.

It was suggested that if a gift was given there was an implication that it was a reward, when it could actually be a 'thank you'. This implication made it difficult for members to accept gifts. Again some training on the issue would be useful. It was added that Councillors were invited to a lot of events. With this in mind it made sense to get a global picture of the issue as it would allow the Council to observe trends in who was making offers.

It was added that companies sometimes looked to curry favour and seek influence with the Council, particularly developers and when this happened it was wise for members to report this to the MO. The MO explained that such cases depended on the context, for example, where the member in question was on the Planning Committee. She further stressed that evidence to show that gifts/hospitality were declined was good as perception was important. It was brought to the attention of the Committee that there was a code of conduct for members of the Planning Committee that stated that developers should not be engaged with without an officer present.

The Chair suggested that if a company invited a member to hospitality, then it might not be a direct attempt to influence but rather to foster goodwill. He further stressed that it was necessary for members to think about who was inviting them and why, and if they had any misgivings or doubts they should decline the offer and report and record it. It was added that companies sometimes thought long-term and would offer gifts to Councillors who might be on a relevant committee in the future.

The need for pragmatism was stressed and it was suggested that there was a need to trust in the integrity of elected officials.

The MO suggested that it was necessary to think about the profile of the Council and added that Councillors attending events often raised the Council's profile and that gifts could be donated, for example, to the Lord Mayor's charity. She added that on the other hand there was the need to protect members from allegations of bribery and as such the role of the Council was very finely balanced.

The DMO noted that some member's records of declarations dated back to 10 years ago. This was seen as excessive as other financial regulations were for six years. He added that whilst the records were useful for checking patterns of offers and acceptance, having too much in the way of records could hinder searches, and as such he would review the protocol.

RESOLVED: -

- (i) That the columns on the register be clarified to show an estimate of the value and the reasons for acceptance. Specifically, the word 'any' ought to be removed from the column.
- (ii) A document be created to cover situations where a gift or hospitality was refused but there may have been a motive behind the offer. Such information would be given on a voluntary basis.

UPDATE ON COUNCILLOR COMPLAINTS

The DMO gave an update on complaints.

During the ensuing discussion the following points were made: -

- A review had been undertaken of complaints made by two individuals regarding members across parties.
- The process was shown as being robust.
- An external organisation had been instructed to undertake a review of the complaint and its outcome.
- Whilst there were outstanding complaints, these had been received since the report.

RESOLVED: -

That the report be noted.

DEBATE NOT HATE UPDATE

The DMO presented a report providing suggestions on how the City Council can support the “Debate not Hate” campaign.

During the ensuing discussion the following points were made: -

The DMO wanted to consider creating a dedicated officer to support members who could provide advice and support in the light of increased abuse faced by members. This could be treated as a single point of contact for members.

A separate group was looking at what could be done further, including legal action. The DMO further highlighted the need to work with Police going forward and the need to get the Police to be more proactive.

It was suggested that the issue be referred to Council Business Management committee for discussion so it could consider allocating time at a meeting of full council. It was emphasised that sufficient time be allowed to enable members to speak and share their experiences.

Issues surrounding complaints to the Police and the way they were responded to were raised. The DMO offered to help members report abuse to the Police and made those present aware of a form for such reports. However, he stressed that there needed to be a responsibility for members to make the complaints themselves. The Chair suggested that he was happy to meet with the Commissioner and Chief Constable if it would be helpful to highlight this issue as it appeared that the Police might not be giving complaints the priority and attention they deserve. It would be necessary to approach them with evidence that this was a significant problem that they needed to deal with. The DMO added that there was a group set up by the Chief Executive to look at this issue.

The contrast between the support offered to MPs and the lack of support offered to Councillors was also made. It was suggested that the Police might have dedicated officers for Councillors as they did for MPs. Examples of issues faced by Councillors were raised and it was suggested that previously the Police had been reluctant to become involved with what they saw as political matters. The Chair suggested that it would be useful to ascertain what the position of the Police is and what, if anything, they intend to do in addressing these situations.

RESOLVED:-

That the committee ask the DMO to bring this as an agenda item to Council Business Management committee with a view to taking forward The Model motion to City Council (Appendix A) to publicly demonstrate the Council’s commitment to improving the quality of public and political debate and challenging abuse and intimidation of people in public life.

UPDATE REPORT ON MEMBER TRAINING

The DMO gave a verbal update on member training. Points included:

- A two-hour training session would take place on 3rd May 2023.
- It was intended to bring a report to the Committee in June looking back at the 2022/23 municipal year and picking up on issues having separate reports for the groups. It would also look at the forward plan.
- It was intended to get comments on the member Development Group, looking at what members wanted.
- It was intended to do some work around costing.
- The trainers were very experienced, they were the national lead advisors who had written the code for the Local Government Association (LGA)
- There would be lots of practical examples in the training.

RESOLVED:-

That the verbal update be noted.

PROVISIONAL STANDARDS COMMITTEE DATES FOR 2023/2024

The following dates were agreed for meetings of the Standards Committee in the 2023/24 municipal year:

8 June 2023

5 October 2023

23 November 2023

11 January 2024

7 March 2024

RESOLVED: -

That meetings of the Standards Committee for the 2023/24 municipal year be held on the above dates.

OTHER URGENT BUSINESS

The DMO raised the My Rewards scheme available to Council officers and raised the possibility of it being extended to elected members. It was not thought that this would need to be declared by members as it was not a gift or hospitality and it would apply to all members.

A committee member likened it to the NHS discount scheme.

The Chair was happy to progress the suggestion.

20 April 2023

AUTHORITY TO CHAIR AND OFFICERS

RESOLVED: -

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

EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that the report at Agenda item 7 contained an exempt appendix within the meaning of Section 100I of the Local Government Act 1972.

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, 2 and 7)

The meeting ended at 11:38am