

**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**

**Wednesday, 13<sup>th</sup> July 2016 at 15:00 hours in Committee Room 6,  
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 2016-2017**

**Attached 5 TERMS OF REFERENCE**

**Attached 6 ANNUAL REPORT 2015-2016**

Report of the City Solicitor

**Attached 6(i) SCHEDULE OF COMPLAINTS 2015-2016**

**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 2016-2017

ALL MEETINGS WILL BE HELD IN THE DESIGNATED  
COMMITTEE ROOM AT THE COUNCIL HOUSE

Tuesday, 15:00 hrs	10 <sup>th</sup> May 2016	Committee Room 6
Tuesday, 15:00 hrs	12th July 2016	Committee Room 6
Tuesday, 15:00 hrs	11 <sup>th</sup> October 2016	Committee Room 6
Tuesday, 15:00 hrs	13 <sup>th</sup> December 2016	Committee Room 6
Tuesday, 15:00 hrs	7 <sup>th</sup> March 2017	Committee Room 6

## **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**

22<sup>nd</sup> March 2016

### **ANNUAL REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE**

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#### **1. PURPOSE**

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- 1.1 The purpose of this Report is to highlight the work of the Standards Committee during the Municipal Year 2015-2016.

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#### **2. MEMBERSHIP AND TERMS OF REFERENCE**

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The composition of the Committee for 2015-2016 was as follows:-

Philip Richardson (Independent Joint Chairman)  
 Peter Wiseman (Independent Joint Chairman)  
 Councillor Mahmood Hussain  
 Councillor Anita Ward  
 Councillor Mike Sharpe  
 Councillor Deidre Alden  
 Councillor Paul Tilsley  
 Steven Jonas – Independent Member  
 Professor Stephen Shute – Independent Member  
 Parish Councillor Ian Bruckshaw w.e.f. 16<sup>th</sup> November 2015, *due to ill-health retirement of Parish Councillor Gareth Griffiths*  
 Parish Councillor Eric Carter  
 Ray Tomkinson-Independent Observer

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

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#### **KEY HIGHLIGHTS FROM THE MUNICIPAL YEAR 2015-2016**

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- 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 has not met this year. 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.

- 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 2015 to March 2016. Details of the complainant and the Councillor affected have been removed for Data Protection reasons, 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.

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#### **4. STATISTICS 2015-2016**

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4.1 You have some statistics in the Appendix 1 to the report which are set out below in brief:

- 11 complaints in total
- 5 complaints resulted in findings of no breach of the Code of Conduct
- No evidence received for one complaint
- One complaint resolved
- For two complaints no forms received
- In relation to one complaint the Standards Chairmen determined that the matter was related to HR/Grievance and not related to code of conduct.
- One complaint is currently under investigation with the City Solicitor/Monitoring officer.

4.2 In the 12 months period from April 2015 to March 2016, there were 9 complaints from members of the public and 1 complaint from an elected member. 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.

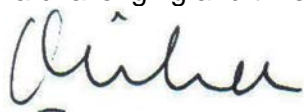
4.3 There has been a significant decrease in the number of complaints made by Councillors against other Councillors. Quite often these complaints are relatively minor matters regarding the use of Council resources. I am pleased to tell you that the new rules written by the Monitoring Officer relating 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:



**Philip Richardson**-Chairman, Standards Committee

## Standards Complaints April 2015 – March 2016

No.	Complaint Ref:	Month	Complainant	Councillor(s)	Party	Form Sent (Date)	Decision	Investigator
1.	PC58	May			Labour	13.05.15	No evidence supplied	David Tatlow
2.	PC59	June			Labour	N/A	Not Code of Conduct Matter	David Tatlow
3.	PC60	June			Labour	N/A	Not Code of Conduct Matter	David Tatlow
4.	PC61	Aug			Labour	14.09.15	Not Code of Conduct Matter	David Tatlow
5.	PC62	Sept			Conservative	23.09.15	Not Code of Conduct Matter	David Tatlow
6.	PC63	Nov			Conservative	N/A	Resolved	David Tatlow
7.	PC64	Nov			Labour	11.11.15	Standards Committee Chairmen determined no misconduct by Councillor – HR Grievance matter only	Standards Committee Chairmen
8.	PC65	Dec			Labour	06.01.16	Under Investigation	Kate Charlton
9.	PC66	Dec				06.01.16	No complaints form received	Stuart Evans / Kate Charlton
10.	PC67	Jan			Conservative	01.02.16	No complaints form received	Kate Charlton
11.	PC68	Jan			Labour	01.02.16	Not Code of Conduct matter	Kate Charlton

### Decisions

Upheld (Whole or Part)	
Not Upheld	
Decision Awaited	2
Resolved	2
Not Code of Conduct Matter	4
No Form Received	3

### **Councillors complained against** (N.B. the same Councillor may have been complained about on more than one occasion)

Conservative	3
Labour	7
Liberal Democrat	
Frankley Parish Council	
Not Known	1