

**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**

**Tuesday, 12<sup>th</sup> December 2017 at 15:00 hours in Committee Room 2,  
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'

**Verbal     3     FORMAL INVESTIGATION-UPDATE**

Joint update of the City Solicitor/Monitoring officer and the Standards Chairman

**Attached     4     COMPLAINTS (2017-2018)-UPDATE**

**5 (a)   REVIEW OF COUNCILLORS CODE OF CONDUCT**

Independent review and to include a workshop/training session for all Members

**(b)   CONFIRM SCHEDULE OF MEETINGS FOR 2018-2019**

**6     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'.

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>STANDARDS COMMITTEE</b>
<b>Report of:</b>	<b>CITY SOLICITOR</b>
<b>Date of Decision:</b>	<b>12 DECEMBER 2017</b>
<b>SUBJECT:</b>	<b>UPDATE ON THE HANDLING OF COMPLAINTS</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
1.1 To update the Committee with regarding to the handling of complaints of breaches of the Code of conduct.

<b>2. Decision(s) recommended:</b>
2.1 The Committee is asked to note the actions taken to resolve the complaints.

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<b>Signature:</b>
Chief Officer(s):
Dated: 30 November 2017

<b>List of Background Documents used to compile this Report:</b>
Exempt

<b>List of Appendices:</b> None
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### **3. Relevant background/chronology of key events:**

- 3.1 A total of nineteen complaints have been made during the current year to date, which compares to 31 to the same point during 2016. Of the current complaints, thirteen have been received since the last meeting of this committee in June.
- 3.2 These were made by members of the public, Birmingham City Councillors and /or Town Councillors.
- 3.3 The attached schedule provides a breakdown of the allegations received and the current position.

## **BACKGROUND**

### **The relevant legislation and protocols**

- 4.1 The Localism Act 2011 ("the Act") introduced fundamental changes to the regulation of standards of conduct for elected and co-opted members.
- 4.2 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)
- 4.3 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
- 4.4 Birmingham City Council ("the Council") is a relevant authority for the purposes of the Act. At its meeting on 11<sup>th</sup> July 2017 the Council adopted a Members' Code of Conduct ("the Code of Conduct") and approved arrangements for the investigation of allegations.
- 4.5 Paragraph 1 of the Code of Conduct makes it clear that the Code of Conduct applies to all members of the Council.
- 4.6 Although the ten principles of conduct were revoked in England on 1st July 2012 section 28(1) of the Act requires a relevant authority's code of conduct to be consistent with the Seven Principles of Public Life set out in the First Report of the Nolan Committee on Standards in Public Life. The Council's code incorporates the following principles:
- selflessness;
  - honesty and integrity;
  - objectivity;
  - accountability;
  - openness;
  - personal judgement ;
  - respect for others;
  - duty to uphold the law;
  - stewardship and leadership

- 4.7 Under Section 28(2) of the Localism Act the Council must secure that its Code of Conduct includes appropriate provision in respect of registration in its register and disclosure of pecuniary interests and interests other than non pecuniary interests. Under section 4 &5 of the Code, the Council sets out those provisions which apply to its members.
- 4.8 Under section 3 paragraph 3, the Code requires that a member of the Council must not conduct him/herself in a manner which could reasonably be regarded as bringing the Council or the office of Council into disrepute.

**STANDARDS COMPLAINTS APRIL 2017 – MARCH 2018****STANDARDS COMMITTEE 12 DECEMBER 2017**

<b>RAG RATING KEY:</b>
<b>GREEN : RESOLVED / CLOSED</b>
<b>AMBER: INFORMAL INVESTIGATION</b>
<b>BLUE: FORMAL INVESTIGATION</b>
<b>RED: NO COMPLAINT FORM RECEIVED</b>

<b>No</b>	<b>Ref:</b>	<b>Month</b>	<b>Party</b>	<b>Nature of Complaint</b>	<b>Current position</b>
1. ( Green)	SC001	Mar	Cons	Concerns raised about comments made in a twitter exchange	No Further Action – Decision Notice Sent
2. ( Amber)	SC002	Apr	Lab	Failure to declare an interest	Decision issued – appeal lodged - under investigation
3. ( Blue)	SC003	Mar	Lab	Alleged breach of Nolan principles contained within the code of conduct	Investigation – in progress
4. ( Amber) ( linked with SC008 and SC014)	SC004	May	SCTC	Alleged misuse of Twitter	Draft decision notice sent to the parties for comment before a final report is issued.
5. ( Green)	SC005	May	Lab	Breach of the code due to lack of responses to the predicament of the complainant	Decision notice sent – No Further Action
6. ( Green)	SC006	Jun	Lab	Allegation that the Councillor was unprofessional in a business transaction	No further action- allegation did not come within the remit of the code of conduct
7. ( Green)	SC007	July	Lab	That councillors acted inappropriately in approving a LIF bid proposal	Decision notice issued – no breach of the code.
8. ( Amber) Linked with SC004 and SC014	SC008	July	SCTC	Allegation re misuse of social Media	Draft decision notice sent to the parties for comment before a final report is issued.
9. ( Amber)	SC009	July	Lab	Inappropriate behaviour of Member during a public meeting	Being considered in accordance with the complaints procedure
10. ( Red)	SC010	July	Lab	Form not received so allegation not clarified	No form received - closed
11. ( Red)	SC011	July	Con	Form not received so allegation not clarified	No form received - closed
12. ( Red)	SC012	July	Lab	Form not received so allegation not clarified	No form received - closed
13. ( Green)	SC013	July	SCTC	Alleged abuse of status as a Councillor	Matter closed - decision notice sent – actions did not come within code of conduct.
14. ( Amber) Linked to SC004 and SC 008	SC014	Aug	SCTC	Social Media misuse	Draft decision notice sent to the parties for comment before a final report is issued.
15. ( Amber)	SC015	Sept	Lab	Alleged misconduct of councillor	Being considered in accordance with the complaints procedure
16. ( Green)	SC016	Oct	Lab	No response to complaint re service delivery	Closed – not a code of conduct matter.
17. ( Amber)	SC017	Oct	Lab	Bullying emails & Online abuse	Awaiting further Instructions
18. ( Amber)	SC018	Nov	Lab	Abusing their position in public office and taking advantage of their delegated power	Awaiting further Instructions
19. ( Red)	SC019	Nov	??	Behaviour of Councillors at a local ward meeting	Awaiting completed complaint form