

BIRMINGHAM CITY COUNCIL

STANDARDS COMMITTEE

**Wednesday, 12 February 2020 at 14:00 hours in Committee Room 2,
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 note the Minutes of the public session of the meeting held on 14 August 2019.

4 INTRODUCTIONS TO NEW LAY MEMBERS

To note the appointment of 3 new Lay Members of the Committee for the term from 6 November 2019 to 31 October 2023:

Stephen Atkinson
Alastair Cowan
Mohammed Khan

5 UPDATE ON COMPLAINTS 2019/20

Update from the Deputy Monitoring Officer.

**6 COMMITTEE ON STANDARDS IN PUBLIC LIFE - LOCAL GOVERNMENT
ETHICAL STANDARDS REPORT**

Update from the Deputy Monitoring Officer.

7 ANY OTHER 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’.

9 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 note the Minutes of the private session of the meeting held on 17 April 2019 and confirm and sign the minutes as a whole.

(Exempt Paragraphs 1, 2 and 3)

11 CASE UNDER INVESTIGATION

Update from the Deputy Monitoring Officer.

(Exempt Paragraphs 1, 2 and 3)

12 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.

BIRMINGHAM CITY COUNCIL

STANDARDS COMMITTEE 14 AUGUST 2019

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD ON
WEDNESDAY, 14 AUGUST 2019 AT 1400 HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM B1 1BB**

PRESENT: - Mr Peter Wiseman in the Chair;

Councillor Deirdre Alden, New Frankley Parish Councillor Ian Bruckshaw, Councillor Peter Fowler, Councillor Julie Johnson, Steven Jonas, Councillor Carl Rice, Stephen Shute and Councillor Paul Tilsley.

ALSO PRESENT: -

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

APPOINTMENT OF THE COMMITTEE

Members noted the resolution of the City Council appointing the Committee as follows:

Councillor Julie Johnson
Councillor Carl Rice
Councillor Deirdre Alden
Councillor Peter Fowler
Councillor Neil Eustace
Councillor Paul Tilsley

6 independent lay members:

Vacancy
Vacancy
Vacancy
Peter Wiseman
Steven Jonas
Professor Stephen Shute

1 member representing the New Frankley in Birmingham Parish Council and 1 member representing the Sutton Coldfield Parish Council

(Parish member must be present when matters relating to the Parish Council or its Members are being considered):

New Frankley in Birmingham Parish Councillor – Cllr Ian Bruckshaw

Sutton Coldfield Parish Councillor – Cllr Derrick Griffin

Peter Wiseman as Chairman (independent).

APOLOGIES

- 330 Apologies were received from Councillor Neil Eustace and Sutton Coldfield Parish Councillor Derrick Griffin.
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DECLARATIONS OF INTEREST

- 331 No interests were declared.
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TERMS OF REFERENCE

- 332 The following terms of reference of the Committee were noted:-

(See document No. 1)

MINUTES

- 333 The Minutes of the public session of the meeting held on 17 April 2019, having been previously circulated, were noted.
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UPDATE ON COMPLAINTS RECEIVED BY THE MONITORING OFFICER 2018/19

- 334 Rob Connelly, Deputy Monitoring Officer, gave a verbal update and advised Members that he aimed to bring back a draft report to the next meeting as a basis for the annual report.

29 cases had been raised, with 5 remaining as outstanding. He advised that there was an issue regarding expectations in relation to complaints to the Standards Committee, which he investigated when received. One complaint referred back to 2013 and 1 related to taxi licensing. Three cases had been referred to the Ombudsman. There had been fewer cases regarding social media and 90% related to service delivery.

He had prepared guidance, which he was reviewing with the Chairman. Consideration was being given to what was sent out to complainants and striking an appropriate balance in the response. There was a need to deal with cases more quickly, but some delays had occurred because of a resources issue relating to sudden elections work during 2018/19.

Attempts had been made to complain to the Committee about officers and those complaints had been sent to the relevant Directorates. Where service delivery issues had been raised, the balance needed to be identified between officer and Member responsibility. Draft decisions were shared with the Chairman, maintaining openness. He would provide a copy of the decision notice to Members for cases that were contentious or where the Councillor could be clearly identified by the public.

UPDATE ON COMPLAINTS RECEIVED BY THE MONITORING OFFICER 2019/20

- 335 Rob Connelly, Deputy Monitoring Officer, gave a verbal report and advised that 4 cases had been received to date in the current Municipal Year. Some complaints had been higher profile and had been publicised in the media. However, every case had to be treated equally and a balance had to be maintained in dealing with the matters concerned.

The Chairman advised that he was supportive of the analysis and final decisions made by the Deputy Monitoring Officer. However, he noted that the 2 most recent decisions had been long and he was concerned that there was a need to ensure transparency. He believed that the Committee needed to be seen to be dealing with the complaint fairly. He suggested that a letter of initial response could set out the process and that the decisions could then be shorter and clearer.

Rob Connelly advised that, if the complainant was not involved 'first hand', then the complaint should not be investigated. Members concurred with the view that the complaint should have been made because the complainant was a 'victim' of wrong-doing or had been directly affected by it. While it was felt that could be made clear in the policy, it was recognised that complainants might continue to submit complaints regarding something they had read in an article. The process needed to be followed, but the important factors were swiftness and clarity from a streamlined system. The Committee needed to be confident that the process was working properly. Rob Connelly agreed to provide a report to the next meeting giving an indication of the types of cases being received and investigated.

Members emphasised their concern that training on the code of conduct should be mandatory, not optional, with examples given to Councillors of the types of complaints that had been received. There should be a checklist to confirm the training that had been completed by each Councillor and it should be monitored properly. However, it was emphasised that training should be tailored to Members' needs in order to avoid information overload. It should address good practice and provide awareness of the main systems, processes and contacts. Lay members acknowledged that it was important for Councillors to have a good information set to boost their knowledge and ability and to engender public confidence. Rob Connelly advised that advanced training was being provided for Councillors, which had been offered initially to Sutton Coldfield Town Council and would be followed up in Birmingham with external trainers.

The Chairman advised that, from this Committee's viewpoint, it was important to raise the profile of the Nolan Principles of Public Life and the ethical standards to be upheld.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item could be considered as a matter of urgency in order to update the Committee on progress and instruct officers, if necessary.

ICO Decision on Complaint – Councillor Waseem Zaffar

Attention was drawn to the decision of the Information Commissioner's Office (ICO) on a complaint against Councillor Waseem Zaffar. Concern was expressed that a report in The Times newspaper in the previous week had given the impression that Councillor Zaffar had been exonerated by the Standards Committee, with other complaints against him having also been taken into account. It was understood that details given in the newspaper report had been repeated in the Birmingham Mail.

It was emphasised that the investigation had been independent, that it had been undertaken externally and that the matter investigated had not been reported to this Committee for its consideration. Rob Connelly, Deputy Monitoring Officer, advised that the Monitoring Officer could determine in consultation with the Chairman of the Standards Committee whether local recourse was appropriate. The independent investigation had been focussed on a single matter of complaint and had found that there was a breach of contract in relation to the use of social media. Other complaints against Councillor Zaffar had not been considered by the investigation or by this Committee. Solicitors acting for Councillor Zaffar had made an offer that he undertake training, without any admission of guilt and on the understanding that the investigation was closed. Legal Services had advised that it would be an appropriate local recourse, taking into account time factors involved.

However, the Committee noted that the offer should have been reported back to the Committee and that it should have had the opportunity to consider what sanctions were appropriate. It was understood that a public announcement had been made before the Committee was scheduled to meet and that Councillor Zaffar had undertaken the training prior to today's meeting. There was concern that lessons needed to have been learnt in relation to the process and that the Committee should consider how to proceed with regard to this case.

Committee members were concerned that there would be public misunderstanding of the situation and that it was necessary to issue a statement of clarification. Therefore, it was

336 **RESOLVED:-**

That the Deputy Monitoring Officer be authorised to act in consultation with the Chairman to publish a public statement of clarification in response to recent newspaper reports regarding this case.

AUTHORITY TO CHAIRMAN AND OFFICERS

337 **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

338 **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 3)
