

# **BIRMINGHAM CITY COUNCIL**

## **STANDARDS COMMITTEE**

**Thursday 5<sup>th</sup> November at 14:00 hours in (via Microsoft Teams)**

### **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.

**3     MINUTES**

To agree the Minutes of the meeting held on 12 February 2020

**Verbal  
Update**

**4.     UPDATE ON COMPLAINTS RECEIVED BY THE MONITORING OFFICER  
2020/21**

**Report  
Attached**

**5.     DEVELOPMENT OF THE LAY MEMBERS OF STANDARDS COMMITTEE**

**Update  
From  
The chair**

**6.     FUTURE AGENDA ITEMS**

**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’.

## **PRIVATE AGENDA**

### **8. PRIVATE MINUTES**

To agree the Minutes of the meeting held on 12 February 2020

Verbal  
update

### **9. CASES UNDER INVESTIGATION**

### **10. 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

<b>STANDARDS COMMITTEE</b> <b>12 FEBRUARY 2020</b>
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**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD ON  
WEDNESDAY, 12 FEBRUARY 2020 AT 1400 HOURS IN COMMITTEE  
ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM  
B1 1BB**

**PRESENT:** - Mr Peter Wiseman in the Chair;

Councillor Deirdre Alden, Stephen Atkinson, Alastair Cowan,  
Councillor Peter Fowler, Councillor Julie Johnson, Steven  
Jonas, Mohammed Khan, Councillor Carl Rice and Councillor  
Paul Tilsley.

**ALSO PRESENT:** -

Raymond Tomkinson, Independent Observer  
Safeena Tonks, Electoral Services Manager, Finance and Governance

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**APOLOGIES**

341 Apologies were received from Councillor Neil Eustace, New Frankley Parish  
Councillor Ian Bruckshaw, Sutton Coldfield Parish Councillor Derrick Griffin,  
Professor Stephen Shute and Rob Connelly, Acting Assistant Director -  
Governance.

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**DECLARATIONS OF INTEREST**

342 No interests were declared.

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**MINUTES**

343 The Minutes of the public session of the meeting held on 14 August 2019,  
having been previously circulated, were noted, subject to the line 8 of the  
second paragraph of Minute No. 336 on page 118 being amended by deleting  
“contract” and inserting “the code”, to read “breach of the code”.

**INTRODUCTIONS TO NEW LAY MEMBERS**

344 Members noted the appointment of the following 3 new Lay Members of the Committee for the term from 6 November 2019 to 31 October 2023:

Stephen Atkinson  
Alastair Cowan  
Mohammed Khan

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**UPDATE ON COMPLAINTS 2019/20**

The Chairman advised that Rob Connelly, Deputy Monitoring Officer, had provided details of complaints during 2019/20. 10 complaints had been received to date, as opposed to 26 received in 2018/19. 3 complaints were by the same person. 3 complaints were made by an employee and in 1 case an apology from the Councillor had been accepted. In another of the cases, an apology had been made, but it had not been accepted to date. In a further case, mediation was to take place. One case had been formally resolved. A complaint had been received that case work had not been undertaken properly and 1 case involved service delivery. As a consequence of election pressures prior to Christmas 2019, 4 cases were at stage 1 currently.

27 cases had been raised that were outside the code of conduct and the complainant had been advised accordingly. There had also been 78 contacts from persistent emailers, which had been rejected. Members noted that assistance had been given by Group Secretaries and Group Whips with resolving issues, but that there had been some delays in investigations. Some complaints related clearly to service delivery and officers were trying to make it clear to the public that those could not be investigated by the Standards Committee.

Concern was expressed that some complaints were objectionable and insulting and that Councillors needed a code of conduct giving guidance on how to deal with them. Councillors faced communication issues, trying to identify the appropriate officer and waiting for the service area to respond. While Councillors advised of timescales, flagged cases and suggested a 'call back' after a defined period, the resulting delays caused public frustration as they wanted a quick answer.

The Committee was advised that Overview and Scrutiny Members were reviewing customer services within 3 parts of the City Council. It was hoped to encourage greater clarity and consistency in the approach to complaints regarding services and Members were preparing a protocol for Member enquiries, which could include a 'code of conduct'. While there was a corporate complaints system, it was understood that the many services within the City Council undertook inconsistent practices.

The Committee discussed good practices by Members and services.

It was

345 **RESOLVED:-**

That an item be included on the next agenda to discuss a protocol for replying to concerns and complaints raised by residents and that Wendy Griffiths, Customer Services and Business Support, be invited to attend the meeting.

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

The Chairman outlined issues raised and the matters discussed previously by the Committee. Local authorities had been allowed freedom to determine their own codes of conduct, but there had been found to be much consistency in their content. In comparisons with recommendations of good practice, the City Council's code of practice had been found to be satisfactory. It was noted that a model code of practice was been given national consideration.

Members discussed the importance of having a rolling programme of mandatory training and an accompanying checklist for Councillors. It was noted that 3 days of training sessions were provided for new Councillors, but that those sessions were not mandatory. Flexibility would be needed to take into account the availability of Councillors with full-time jobs, with some training provided online and some in face-to-face sessions. Consideration was given to what sanctions could be imposed if Councillors failed to undertake mandatory training. Participation in the meetings of some Committees was dependent upon prior training having been undertaken, but the sanctions that could be imposed were limited during the 4-year term of office. It was felt that consultation should take place on what training should be mandatory and within what timescale it should be completed.

346 **RESOLVED:-**

That the Chairman be requested to contact the Group Secretaries regarding mandatory training on standards in public life and that an item be included on the next agenda.

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**OTHER URGENT BUSINESS**

347 No matters were raised.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

348 **RESOLVED: -**

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

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**EXCLUSION OF THE PUBLIC**

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**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)

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# **BIRMINGHAM CITY COUNCIL**

## **PUBLIC REPORT**

<b>Report to:</b>	<b>STANDARDS COMMITTEE</b>
<b>Report of:</b>	<b>ROBERT CONNELLY – ASSISTANT DIRECTOR GOVERNANCE &amp; DEPUTY MONITORING OFFICER</b>
<b>Date of Report:</b>	<b>05 NOVEMBER 2020</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT OF LAY MEMBERS</b>

### **1. Purpose of report**

- 1.1 Consider and agree how the role of lay members on the Standards Committee can be enhanced and developed.

### **2. Background**

- 2.1 At the September 2019 meeting of Full Council, the Council approved changes to the membership of the Standards committee to include:
  - Two members from each of the three largest political parties
  - The number of lay members be increased from three to six.
  - To include a member from both Sutton Coldfield Town Council and New Frankley in Birmingham Parish Council.
  - One Independent Person
- 2.2 The purpose of re-structuring the membership was to ensure a more robust and proportionate political balance with additional oversight/involvement by lay members.

### **3. Legislative provisions**

- 3.1 The Localism Act 2011 provided that relevant authorities are required to have in place arrangements about how:
  - a) to make a complaint about the conduct of an elected or co-opted member of Birmingham City Council or of a town or parish council within the City of Birmingham.and

b) the Council will deal with complaints about members

- 3.2 The Act does not prescribe the process by which allegations are to be investigated nor the process for managing decisions on allegations; that is a matter for each authority. However, the Act does provide that every authority must appoint at least one “independent person”.
- 3.3 The Independent person does not decide whether there has been a breach of the code of conduct. Instead a Local Authority should seek, and take into account, the views of the Independent person before it makes its decision on an allegation that it has decided to investigate.
- 3.4 An elected member who has had a complaint made against them can also seek the views of the Independent person

#### **4. The Complaints process**

- 4.1 Currently under the Council's complaints process for investigating allegations that a member has breached the code of conduct the Investigating Officer will share their initial findings with both the Monitoring Officer and the Chair of the Standards Committee (or such other lay member of the Committee as the Chair may appoint).
- 4.2 If the Monitoring Officer and the Chair of Standards Committee are in agreement with the Investigating Officer's recommendations, a copy of the findings will be sent to the parties to give them the opportunity to identify any matters in that draft which they disagree with or which they think requires more consideration

#### **5. The Lay Member**

- 5.1 At regular intervals the Monitoring Officer (or their Deputy) will provide updates on the outcomes of any complaints to the Standards Committee.
- 5.2 However to further improve openness and transparency, and to help with the development of lay members, it is proposed that a lay member, on a rota basis, determined by the Chair of the Committee, be consulted by the Investigating Officer as part of the initial assessment when the complaint is first received.
- 5.3 This will enable them to assist the MO ( or their DMO) in determining the next steps for the complaint as they will be able to provide an independent view, especially in those cases where there may be some ambiguity, on whether the subject member was, at the time of the alleged conduct:

a) in office



b) acting in their official capacity as a member

and / or

c) whether there is enough information to form a view as to whether or not a breach of the code has or might have occurred.

5.4 If these tests are not met, no further action will be taken.

5.5 If however, it is felt that further enquiries or an investigation needs to be undertaken in order to form a view, the MO will discuss the proposed course of action with the lay member in order to ensure that the matter can be progressed as quickly as possible.

5.6 Once the further enquiries or investigation is concluded, the MO will liaise with the lay member on the findings, including where the Investigating officer determines that the complaint is invalid for the reason set out in the current procedure for considering complaints.