

# **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.