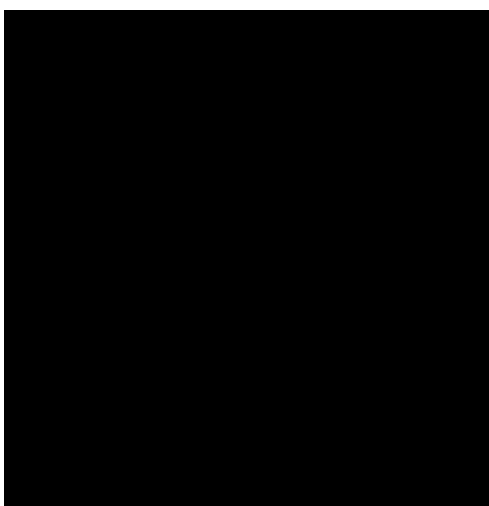


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- i. Corporate governance is a phrase used to describe how organisations direct and control what they do. For local authorities this also includes how a council relates to the communities that it serves.
 - ii. Our [Birmingham City Council Plan](#) articulates ambitions framed around our Birmingham City Council Plan 2018 -2022 as a city of growth where every child, citizen and place matters.
 - iii. The purpose of our corporate governance arrangements is to devise and deliver services to the citizens of Birmingham in a way that demonstrates accountability, transparency, effectiveness and value for money, integrity, and inclusivity and which reflects corporate values.
-
- i. Our Corporate Governance Code and Framework is based upon seven Principles.
 - ii. We will:
 - a) Behave lawfully, with integrity and in the public interest and demonstrate this through our conduct and behaviour.
 - b) Be open and engage with local communities, service users and our other stakeholders.
 - c) Focus our resources on outcomes and ensure council tax payers and service users receive excellent value for money.
 - d) Ensure we have clear responsibilities and arrangements for transparent and effective accountability.
 - e) Take informed and transparent decisions.
 - f) Ensure that we have robust and effective audit, scrutiny, information governance, risk and financial management controls.
 - g) Develop our capacity and capability to be effective.
 - iii. It is the role of our Audit Committee to oversee and receive assurances relating to our governance arrangements and also to provide challenge on how our arrangements can be continually improved.

| <i>And commit to</i> | <i>Supported and evidenced by our</i> |
|--|---|
| <p>Ensure that services put the needs of the public first, are non-discriminatory and are appropriate to different needs in the community.</p> <p>Make best use of resources and ensure that the People of Birmingham receive excellent value for money.</p> <p>Consider and balance the combined economic, social and environmental impact of policies and plans when taking decisions.</p> | <p>City Council Plan for Birmingham</p> <p>Equality and Diversity Policy</p> <p>Safeguarding arrangements</p> <p>Safer Birmingham Strategy</p> <p>Youth Justice Plan</p> <p>Children and Young Peoples Plan</p> <p>Annual Performance Report</p> <p>Financial Strategy and Medium Term Financial Plan</p> <p>State of the City Events</p> <p>Performance Management Framework</p> <p>Annual Internal Audit Report</p> <p>External Audit Value for Money opinion</p> |

| <i>And commit to</i> | <i>Supported and evidenced by our</i> |
|---|---|
| <p>Document who is responsible for our functions and will ensure reports on our performance, delivery of value for money and stewardship of resources are routinely reported.</p> <p>Review on a regular basis the vision for the city and arrangements.</p> <p>Have in place effective arrangements to identify and deal with failure in service delivery.</p> <p>Ensure that relationships and accountabilities between the authority, its partners and the public are clear.</p> | <p>Constitution</p> <p>Executive Portfolios</p> <p>Monitoring of Revenue and Capital expenditure</p> <p>Delegation and sub delegation arrangements</p> <p>Committee Terms of Reference</p> <p>Protocol for the roles of Members and officers in Decision Making</p> <p>Annual Internal Audit Report</p> <p>Customer service standards and dispute resolution arrangements</p> <p>Annual Accounts</p> <p>Access to Information Procedure Rules</p> <p>Executive and Decision Making Procedure Rules</p> <p>Annual Governance Statement</p> |

| <i>And commit to</i> | <i>Supported and evidenced by our</i> |
|--|--|
| <p>Ensure that all decisions are taken which are proportionate, respect human rights and natural justice, are open and transparent with clear aims and desired outcomes and promote equality of opportunity.</p> <p>Consider and balance the economic, social and environmental impacts of policies and plans.</p> <p>Ensure that: those making decisions are provided with information that is relevant, timely and gives clear explanations of technical issues and their implications; appropriate legal, financial and other professional advice is considered as part of the decision-making process; and decision-makers can be held to account for the decisions they take through effective overview and scrutiny arrangements.</p> | <p>Executive/Cabinet arrangements Committee Terms of Reference Access to Information Procedures Delegation and sub delegation arrangements Procedures for decision making Provision of effective, timely, responsive and highly regarded legal, financial and professional services Equality and Diversity Policy Use of data to support decision making and effectively target resources</p> |

And commit to

Supported and evidenced by our

| <i>And commit to</i> | <i>Supported and evidenced by our</i> |
|--|---|
| <p>Improving the use of our people resource by developing and maintaining an effective workforce plan.</p> <p>Continually review our performance, including how the organisation is led, how we work, and how we make the most efficient use of our resources assets (including data) to ensure our continuing effectiveness.</p> <p>Ensuring that all councillors and employees have the skills, knowledge and experience they need to perform their roles effectively.</p> | <p>Code of practice for Member-Officer relations.</p> <p>Our values and behaviours</p> <p>Appraisal arrangements</p> <p>Staff surveys</p> <p>Training and development programmes for Councillors</p> <p>Training and development programmes for staff</p> <p>Participation in peer reviews</p> <p>Recognition of colleagues through our awards for excellence</p> <p>Workforce development plan</p> <p>Graduate and apprenticeship programmes</p> |

Birmingham City Council Constitution

- v. Exempt information relates to the access to information requirements covered by Section 100I and Schedule 12 A of the Local Government Act 1972 (as amended) as set out in the table below, and related Regulations. Information is also exempt if it is advice of a Political Adviser or Political Assistant, as defined by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended).

| <i>Category</i> | <i>Condition</i> |
|--|--|
| 1. Information relating to any individual. | This means any living individual person and relates back to data protection legislation i.e. the General Data Protection Regulation 2016/ 679 (GDPR) & the Data Protection Act 2018 (DPA). |
| 2. Information which is likely to reveal the identity of an individual. | This again relates back to data protection legislation |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Includes own financial or business affairs. It does not include information which is required to be registered under the Companies Act 1985, the Friendly Society Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965-1978, the Building Societies Act 1986 or the Charities Act 1993 as such information will be in the public domain in any event. u past, present and contemplated activities. |
| 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders, under the authority. | - means a person employed under a contract of service with the Council and would not therefore include a consultant or a temporary member of staff employed through an agency or a company. Information about such a person, however, may well be covered under the exemptions in paragraphs 1, 2 and 3 but it will depend on the individual matter. O may be the subject of a trade dispute within the meaning of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any dispute about such a trade dispute. This is therefore fairly narrow and does not appear to include normal staff negotiations which are not part of a dispute. |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. | |

- xi. The person making the appeal may provide written submissions to the Assistant Director Governance who will supply copies of the same to the relevant Chief Officer and each member of the meeting before the date of the meeting.
 - xii. The Assistant Director Governance will collate responses to the submission and agree a response with the Chair ahead of the meeting. The decision will be announced at the start of the meeting.
-
- i. The public may also be excluded from meetings, where the meeting so reso

- c) It contains the advice of a political adviser; or
 - d) It is a draft report or draft background paper; or
 - e) It is not a report or a background paper.
- ii. All Members are entitled to inspect any document which is in the possession of or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council or any of its committees or sub-committees unless
 - a) It contains exempt information falling within Rules B2.5v(1), B2.5v(2), B2.5v(4), B2.5v(5), and B2.5v(7) above or
 - b) It contains exempt information falling within Rule B2.5v(3) above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract.
- iii. Members of the Audit Committee shall have access to any information that is relevant to their role as an Audit Committee members, save where legal privilege applies or where sharing information will result in a breach of contract or confidentiality, or otherwise is judged by the City Solicitor to put the Council at risk.
- iv. Members of an Overview and Scrutiny Committee will be entitled to copies / inspect documents in respect of matters under scrutiny by those members, which are in the possession or control of the Council.

- vii. **Right to Information:** Members have the right to seek information, explanation and advice which they may reasonably need in order to assist them in properly discharging their duties as a Member of the Council. This can range from a request for general information on behalf of a constituent. Such approaches should normally be made to the relevant Chief Officer.
- viii. **The Nature of Requests:** Members should:
- a) Avoid over-involvement in issues raised by individual constituents;
 - b) Be particularly careful when having direct contact with relatively junior officers, to avoid the appearance of abusing their position;
 - c) **Need to know:** Information needed to know will be presumed for example where a Member is on a committee and information requested is already in the public domain;
 - d) Only use the information for the purpose for which it was provided and get the prior agreement of the relevant Chief Officer to any disclosures to the press or the public.
- ix. **Need to know:** there are a number of circumstances where a Member may have a need to know, including:
- a) **Documents:** Documents prepared for the Council, including draft documents;
 - b) The need to know would only extend to personal information in exceptional cases;
 - c) Draft documents compiled in the context of emerging Council policies, and draft reports will not usually be disclosed;
 - d) A Member of one party group will not have a need to know in relation to a document prepared for another party group;

determination have the effect of preventing the Member concerned from giving evidence in Court, or of penalising the Member for so doing.

- xi. All internal documents and copies produced to any Member for inspection in accordance with this Rule will be produced on the basis that, in the absence of malice, officers are expressly indemnified in respect of any claim in litigation that may result from such publication.
 - i. Where a member of the public makes a request for information under the Freedom of Information (FOI) Act 2000, they will be informed in writing by the Council whether it holds such information, and if that is the case, they will have that information communicated to them, unless an exemption applies.
 - ii. An FOI request must be in writing, state the name of the applicant and an address for

- i. For the purposes of this section, recording includes webcasting, filming and photography.
- ii. The Council is committed to openness and transparency in its decision making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded and will seek to ensure that any such requests are respected.
- iii. The rules that the Council will apply are:
 - a) All recordings must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. Where meetings are recorded by the Council, this will be stated at the start of each meeting.
 - b) The Chair of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
 - c) Recording must stop if the meeting goes into private session where the public is excluded for confidentiality or exempt reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
 - d) Any member of the public has the right not to be recorded. Agendas for, and signage at, Council meetings should make it clear that recording can take place anyone5(h)-4(e)f309Ft

i. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Your conduct as an individual councillor affects the reputation of all councillors. The role of councillor should be one that people aspire to and individuals from a range of backgrounds and circumstances should be putting themselves forward to become councillors.

ii. This Code has been designed to protect your democratic role, encourage good conduct and

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but who

a) is a member of any committee or sub-committee of the authority, or;

b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

ii. and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-

iii. For the purpose of this Cod #
councils and town councils.

i. The purpose of the Code is to assist you, as a councillor, in modelling the behaviour that is expected of you to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, officers and the reputation of the council.

ii. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

i. Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers, should uphold

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Holders of public office are accountable to the public for their decisions and actions and must

- ii. Bullying, harassment, discrimination and victimisation

iv. Confidentiality and access to information

viii. Complying with the Code of Conduct

ix. Interests

x. Gifts and hospitality

- i. Councillors are expected to treat each other with respect and abide by the Code of Conduct when attending meetings of the council.
- ii. The Chair may, as she/he sees fit, direct a Councillor to discontinue his/her speech.
- iii. If there is more general disorder, the Chair may direct a Councillor causing such disorder to retire from the meeting.

You must register as an Other Registerable Interest:

- a) Any unpaid directorships
- b) any body of which

- c) Scrutiny of Council services;
 - d) Community leadership; and
 - e) Promotion of partnership working.
- ii. The officers are responsible for:
 - a) Providing the professional advice that Members must have before them when formulating policy and when taking decisions;

ii.

The Employee Code of Conduct can be found here: [Birmingham City Council Code of Conduct | Birmingham City Council](#)

- i. These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations') and Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 ('the 2015 Regulations').
 - ii. Full Council has delegated to the Chief Officer and Deputy Chief Officer⁵ Appointments, Dismissals and Service Conditions Sub-Committee to set out in these employment procedure rules.
-
- i. The Council will draw up a statement requiring any candidate for appointment as a Chief Officer or Deputy Chief Officer (Statutory or Non-Statutory) to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council, or of the partner of such persons. A candidate who fails to declare such relationship will be automatically disqualified from such appointment with immediate effect.
 - ii. No candidate so related to a Councillor or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her for that purpose.
 - iii. Every Member and senior officer of the Council shall disclose to the Head of Paid Service or relevant officer any relationship known to that person to exist with a candidate for any appointment. It shall be the duty of the relevant Chief Officer or Deputy Chief Officer (Statutory and Non Statutory) to report to the Council or to the JNC Panel including any Member or officer to whom power has been delegated to make an appointment, any such disclosure made by a candidate, Member, or senior officer.
 - iv. The HR Director shall record in a book to be kept for the purpose particulars of such disclosure made under this Rule.
 - v. Where relationship to a Member of the Council is disclosed, that Member shall withdraw from the meeting while the appointment is under consideration.

⁵ Chief Officers are defined in Part B1.7; Deputy Chief Officers are officers Assistant Directors or equivalent

- vi. Subject to paragraph viii below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- vii. Subject to paragraph viii below no Councillor will seek support for any person for any appointment with the Council.
- viii. Nothing in paragraphs 7.2i and 7.2ii above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

- ix. The Council will not unlawfully discriminate in the recruitment and appointment of officers and all appointments shall be made on merit.

- i. The Council has appointed a JNC Panel to exercise all of its powers in relation to the appointment, discipline, grievances and dismissal of Chief Officer and Deputy Chief Officer posts, where not restricted or prohibited by law. References to the Panel include a sub-committee of the Panel established by it to carry out its functions. The Panel must include at least

- ii. Following a recommendation of the JNC Panel that a particular candidate should be appointed; the Director of HR shall notify every member of the Cabinet of the following:
 - a) The name of the person to whom the JNC Panel recommends that the post be offered;
 - b) Any other particulars relevant to the appointment which the Employment Committee has notified to the Director of HR;
 - c) The period within which any objection to the making of the offer is to be notified to The Director of HR. The standard period will be three working days but may be shortened by the Chair of the JNC Panel/Leader where necessary for the proper di #
- iii. The Director of HR has, within the period specified in the t



- ii. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group. Dismissal and Disciplinary action of an assistant to a political group is the responsibility of Chief Executive (Head of Paid Service) or his/her nominee, and may not be made by Councillors
- iii. Councillors will not be involved in the disciplinary process in respect of any officer below Chief Officers or Deputy Chief Officers except where such involvement is necessary for any investigation or inquiry into alleged misconduct or appeal process.

- i. Membership of the JNC Panel shall comprise the Leaders of the three main political parties (or their nominees), and two other members subject to the proportionality rules. The Chair of the Panel will be the Leader of the Council or his/her nominated deputy.
- ii. The quorum for each meeting of the JNC Panel is three, including a member of the main opposition party.
- iii. There may be circumstances when a decision of the JNC Panel may be agreed by all five members of that Panel in consultation with the Chief Executive and Director of Human Resources and Monitoring Officer or their nominated deputies without an actual meeting of that Panel taking place. The exercise of such decision shall be noted on the record of decision including setting out the reasons for the urgent circumstances.

- i. In these Rules :
 - "Chief Executive" means the Chief Executive of the Council as defined in section 107 of the Local Government Act 2000;
 - "Council" means the Council of the City of Birmingham as defined in section 7 of the Local Government Act 2000;
 - "Deputy Chief Officer" means the Deputy Chief Officer or Deputy Statutory Chief Officer as set out below and includes the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
 - "Disciplinary Proceedings" means any proceedings under the Council's Disciplinary Regulations;
- Council;

the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate;

of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with Schedule 3 to the 2001 Regulations, including or comprising at least two Independent Persons who have accepted an invitation to be considered for appointment to the Panel and who have been appointed to it in accordance with the following priority order

- (a) an independent person who has been appointed by the authority and who is a local government elector in the Council
- (b) any other independent person who has been appointed by the authority;
- (c) an independent person who has been appointed by another authority or authorities.

U \ k regulations;
o # \ Council will be the Director of Adult Social Care, the Director of Children's Services, the Chief Finance Officer/section 151 Officer, the City Solicitor and Monitoring Officer, the Director of Public Health and for this Council are also known as Directors.

V o # \ = h o is directly accountable to the local authority or any committee or subcommittee of the authority as set out in Section 2 (7) of the 1989 Act and for this Council will be any other Director appointed by the Council who are not Statutory Chief Officers.

) # \ or all of his/her duties is required to report direct, or is directly accountable, to a statutory or non-statutory Chief Officer as set out in section 2 (8) of the 1989 Act.

- i. This Planning Code of Practice ('the Planning Code') has been prepared to guide Members and officers in the discharge of the City Council's statutory planning functions. This Code will also inform potential developers and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its planning powers.
- ii. Members and officers must declare any interests they have in relation to any planning application and subject to the responsibilities and requirements as set down by the Monitoring Officer from time to time. The responsibility for declaring an interest rests with individual Members and officers. Members should seek legal advice if they are unsure as to whether they have an interest which may prevent them from taking part in a discussion or vote on a particular planning application. Planning Committee Members must exercise an independent mind on issues before the Committee.
- iii. The provisions of this Planning Code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members and officers making such decisions are held accountable for those decisions. The Planning Code is also designed to assist Members and officers in dealing with approaches from property owners.
- iv. If you have any doubts about the application of this Planning Code, you should seek early advice, preferably well before any meeting takes place, from the Director (Planning, Transport & Sustainability) and/or the Assistant Director Planning/Assistant Director Development.
 - i. Members and officers have different but complementary roles in the planning process. Members have more than one role in the process – as Ward Members and as Planning Committee Members.
 - ii. Ward Members who are not on the Planning Committee are in a position to represent the interests of their Ward when it comes to planning and related applications. Ward Members may:
 - Observe virtual meetings of the Planning Committee

Submit written representations to the Planning Committee, subject to the provisions in the public participation protocol;

consultations on the draft heads of terms for section 106 agreements;

iii.

iii.

The role of Members who are involved in the planning decision making process is to exercise their judgment properly on the planning application (or applications) and to do this. In coming to a decision on a planning application Members should make this decision based solely on material planning considerations. Officer reports to the

Making recommendations on planning matters which are determined by Members at Planning Committee. When making such recommendations the function of officers is to support and advise Members, ensure that any decision they make is lawful and identify any possible consequences of taking decisions.

- i. In making their decisions, Members of the Planning Committee should not be seen to side with either the applicant or the objector/s prior to the hearing of the application when all the relevant facts are known. Members are required to keep an open mind. This is a requirement of the law and a separate guidance note on predetermination and bias to assist Members in complying with this complex area of legislation and case law is set out in [Section C8.13](#) below.
- ii. Where development proposals are submitted by Members and employees in respect of their own property or land it is particularly important that the Council ensures that such applications are handled in a way that gives no grounds for accusations of favouritism.

information about the policy and technical requirements that must be met and advice on design, on community engagement and other issues which may improve the chances of an application being acceptable to the Local Planning Authority (LPA). However, it should be made clear that any guidance given will not bind the LPA to making a particular decision.

ii.

- iii. In cases where an application has been discussed at Planning Committee on more than one occasion, if a Member has not attended on each occasion during the application phase and

of why the recommendation is not considered acceptable, which, when agreed by the Committee, will be formally recorded in the minutes.

In these circumstances, at a subsequent meeting, the Director (Planning, Transport & Sustainability) or Assistant Director Planning/Assistant Director Development will respond in a further written report the provisional reasons formulated by the Committee for granting or refusing permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for the decision and a summary of those planning reas

to speak about new matters or the amended details and not about matters which have been previously considered by the Committee.

- iv. Speakers should not raise any substantial new information (including correspondence, other documents, photographs or models) at the Planning Committee meeting, as this does not give all parties adequate time to consider and respond to the submissions, and Members of the Committee will not be able to give proper consideration to issues raised in the material.
- v. It is important that members of the public are not permitted to communicate with or pass messages to individual Committee Members as this may give the appearance of partiality.
 - i. Planning Committee site visits shall be arranged and take place in accordance with the Planning Committee Site Visit Protocol.
 - i. It is important that all Members involved in the planning process are aware of their role in the process and the policy and legal framework in which they operate.
 - ii. Therefore, Members serving on Planning Committee should participate in, where possible, the following training each year:
 - For Members new to the Planning Committee two sessions comprising a governance and conduct session and mid-year update session;
 - For experienced Members of the Planning Committee, a single mid-year update session.
 - iii. A record of attendance for the compulsory training will be maintained by Planning Officers and a list provided to Party Whips and Democratic Services for monitoring.
 - iv.

It is always advisable to avoid giving the impression that you have made up your mind representations made on behalf of the applicant and any objectors.

It is advisable not to give a view in advance of the decision. If you do comment on a development proposal in advance of the decision, consider using a form of words that makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Committee meeting.

Particular care should be taken where there are chance encounters with objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where the risk of what you say being misrepresented or taken out of context is particularly high.

ix.

giving notice of their wish to do so by completing a form no later than 12 noon on the Friday immediately preceding the Committee.

- v. When an objector has registered to speak in accordance with point (iv), applicants will have an automatic right of reply even when they have not given notice of their wish to do so beforehand.
- vi. If a speaker does not attend the meeting or is not available to speak at the allotted time, the meeting will go ahead nonetheless.
- vii. Applicants, supporters or objectors will have the equivalent of a maximum of three minutes to address the Committee
- viii. In the event of more than one applicant, supporter or objector wishing to

- i. This Licensing Code of Practice ('the Licensing Code') has been prepared to guide Members and officers in the discharge of the City Council's statutory Licensing functions. This Code will also inform potential applicants and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its Licensing powers.
 - ii. Under the Licensing Code of Practice for Members and Officers, which was adopted by the City Council in June 2012. For the avoidance of doubt, when an Executive Member attends and participates in the decision-making of the Licensing Committee, s/he does so as a Member of the Committee and not as a Member of the Executive. Accordingly, s/he must, along with other Members of the Committee, exercise an independent mind on issues before the Committee.
 - iii. The provisions of this Licensing Code are designed to ensure that Licensing decisions are taken on proper grounds, are applied in a consistent and open manner and that Members making such decisions are held accountable for those decisions. The Licensing Code is also designed to assist Members and officers in dealing with approaches from applicants or those who already have a relevant Licence/permit, etc.
 - iv. Throughout this Code, reference is made to the Licensing Committee. This refers to the Licensing Committee in the context of applications for licences i.e where the Committee performs the functions of the Licensing Authority, rather than in the context of non-Licensing Authority decisions.
 - v. Any reference to Licensing Committee equally refers to any Licensing Sub-Committee.
-
- i. This Licensing Code applies to both Councillors and officers

The Statement of Licensing Policy;

Home Office Guidance (s182) issued under S182 Licensing Act 2003;

The Statement of Gambling Principles and relevant guidance issued by the Gambling Commission;

... relationship, and the trust which underpins it, should never be abused or compromised.

vii. " # # # " [Code of](#)

Any potential licence-related background may also give rise to a perception by the public that they are more likely to b

- xvii. Officers shall ensure, where practical, that applicants, Members and interested parties are invited to attend the visit and that they are able to view all key parts of the site, which is the subject of the Applications.
- xviii. The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the Licensing application and which would not be apparent from the Licensing application to be considered by the Committee. A site visit may also assist Members in matters relating to the context of the application in

- xxiii. Once the results of a site visit have been reported back to Committee, Members of the Committee who were not present at the site visit can ask questions, offer opinions, take part in discussions and vote in relation to that Licensing application.

Special topic groups to consider thorny issues in depth;

Formal training by internal and external speakers;

Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session.

- i. Serving Councillors or their relatives who act as agents for people pursuing a Licensing matter will not be permitted to play any part in the decision making process for that proposal. Similarly, should they or their relatives submit their own proposal to the Council, they will take no part in its processing, as in both cases they will have an interest in the matters.
 - ii. In cases where officers of this Department or members of their family submit a licence application, or where they have an interest in a particular application they should inform the Assistant Director of Regulation and Enforcement and Monitoring Officer accordingly (e.g. where an application is submitted by a limited company and an Officer is a director (or similar) of the company).
-
- i. The Localism Act 2011 and the Birmingham Code of Conduct for Members place requirements on Members on the Registration and Declaration of their interests and the consequence for the Members participation in consideration of an issue in the light of those interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests is dealt with by the Birmingham Code of Conduct for Members.
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- i. Whatever procedures the City Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
 - ii. There is a city-wide procedure for dealing with complaints, as well as customer comments and compliments. Complaints alleging a breach of the Birmingham's Code of Conduct for Members must be reported to the Monitoring Officer.
 - iii. So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. The guiding rule

is that every application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what

- i. The Members Allowance Scheme, made under Section 18 of the Local Government and Housing Act 1989 and as amended on 30th April 2001, was agreed by the City Council at the meeting on 14 June 2022.
- ii. The Scheme can be found [here](#).⁷

- xi. The substitute member may speak and vote in their own capacity and is not constrained by the views of the ordinary member they are replacing.
- xii. Once an agenda item has begun with a substitute member attending, the regular Member in intoc