



VOLUME B
ESSENTIAL DOCUMENTS SUPPORTING THE CONSTITUTION

For further information, please contact:

Dr Mirza Ahmad LLD (Hon), LL.M, MBA, Barrister,
Corporate Director of Governance & Monitoring Officer
Ingleby House, 11-14 Cannon Street,
Birmingham B2 5EN

Tel: 0121 303 9991

Fax: 0121 303 1312

E-mail: mirza_ahmad@birmingham.gov.uk

VOLUME B

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TABLE OF CONTENTS

- Part 1 – Summary and Frequently Asked Questions**
- Part 2 - Standing Orders and Other Essential Procedures of the Council**
- A. Council Standing Orders
 - Section 1: Full Council Meetings
 - Section 2: Conflict Resolution
 - Section 3: Committee Meetings
 - B. Standing Orders relating to Contracts
 - C. Financial Regulations
 - D. Access to Information Procedure Rules
 - E. Budget and Policy Framework Procedure Rules
 - F. Executive Procedure Rules
 - G. Overview and Scrutiny Procedure Rules
 - H. Employee Procedure Rules
 - I. Scheme of Delegation to Officers
 - J. Policy Framework Plans and Strategies
 - K. Head of Paid Service, Monitoring Officer and Chief Financial Officer Designations
- Part 3 - Codes of Conduct, Protocols and Related Guidance**
- A. Birmingham City Council's Code of Conduct for Members**
 - B. General Guidance on the Code of Conduct for Members**
 - C. Guidance Note on the use of Council facilities, printing & postage
 - D. Independent Remuneration Panel
 - E. Members' Allowances Scheme
 - F. Member/Officer Relations Protocol
 - G. Monitoring Officer Protocol
 - H. Code of Conduct for Officers
 - I. Whistleblowing Code
 - J. Planning Code of Practice for Councillors and Officers
 - K. Officers' Gift & Hospitality Template and Updated Guidance
- Part 4 – Internal Working Practices**
- A. A Layman's Guide to the Constitution
 - B. Overview and Scrutiny Guidance Notes
 - C. Current Management Structure
 - D. A Guide to Constitutional Issues Relating to District Committees
 - E. Cabinet Member Briefing
- Part 5 - Other Relevant Information**
- A. Letter from the Provincial Grand Lodge of Warwickshire (2/8/04)
 - B. Letter from the Standards Board for England (4/10/04)
 - C. Executive Decision-Making Reports Templates and Guidance

A. BIRMINGHAM CITY COUNCIL'S CODE OF CONDUCT FOR MEMBERS

PART 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to you as a member of Birmingham City Council.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State and which are annexed to this Code.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:-

"meeting" means any meeting of:

- (a) Birmingham City Council;
- (b) the executive of Birmingham City Council;
- (c) any of Birmingham City Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes an elected and a co-opted member of Birmingham City Council.

- (5) In relation to a Parish Council, references to the Monitoring Officer and the Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of Birmingham City Council, which has functions in relation to any Parish Council for which it is responsible under section 55(12) of the Local Government Act 2000.

Additional voluntary provision for Birmingham City Council Members:

- (6) *In keeping with good governance, open and transparent principles, Birmingham City Council has resolved to add the voluntary provisions set out in Paragraph 15, hereof, to the mandatory provisions of the national Code of Conduct for Members, which form part and parcel of Birmingham City Council's Code of Conduct for Members.*

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:-
- (a) conduct the business of Birmingham City Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of Birmingham City Council,
- and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of Birmingham City Council:-
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with Birmingham City Council's Code of Conduct for Members, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not:-
- (a) do anything which may cause Birmingham City Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006 and set out in the Annex hereto);
 - (b) bully any person;

- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with Birmingham City Council's or any other Authority's Code of Conduct for Members; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, Birmingham City Council.

4. You must not:-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest (see paragraph 15 for definition); and
 - (bb) made in good faith and in compliance with the reasonable requirements of Birmingham City Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Birmingham City Council into disrepute.

6. You:-

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority:-
 - (i) act in accordance with Birmingham City Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 and any guidance issued by the Standards Committee with regard to such matters.
- 7. (1)** When reaching decisions on any matter you must have regard to any relevant advice provided to you by Birmingham City Council's:-
- (a) Chief Finance Officer; or
 - (b) Monitoring Officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any other reasonable requirements imposed by Birmingham City Council with regard to such matters.

PART 2

Interests

Personal interests

- 8. (1)** You have a personal interest in any business of Birmingham City Council where either:-
- (a) it relates to or is likely to affect:-
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by Birmingham City Council;
 - (ii) any body:-
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes (including Freemasons);
or

- (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than Birmingham City Council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in Birmingham City Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between Birmingham City Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in Birmingham City Council's area in which you have a beneficial interest;
 - (x) any land where the landlord is Birmingham City Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in Birmingham City Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person (see paragraph 8(2) for definition of "relevant person") to a greater extent than the majority of:-
- (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

- (ii) in the case of a Parish Council, other council tax payers, ratepayers or inhabitants of the Parish Council's area.
- (2) In sub-paragraph (1)(b), a relevant person is:-
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of Birmingham City Council and you attend a meeting of Birmingham City Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of Birmingham City Council which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa) (i.e. a public service interest), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii) (i.e. a gift or hospitality of at least £25), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in Birmingham City Council's Statutory Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of Birmingham City Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of Birmingham City Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business:-
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of Birmingham City Council in respect of:-
 - (i) housing, where you are a tenant of Birmingham City Council provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.(1) You also have a prejudicial interest in any business before an overview and scrutiny committee of Birmingham City Council (or of a sub-committee of such a committee) where:-
- (a) that business relates to a decision made (whether implemented or not) or action taken by Birmingham City Council's executive or another of Birmingham City Council's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.
- (2) For the avoidance of doubt, pursuant to the Local Government Act 2000, if you are a member of Birmingham City Council's executive:-
- (a) you may be required to attend an Overview & Scrutiny Committee to answer any questions that it may have or to provide any further information on the executive decision; and
 - (b) having answered the Committee's questions or provided further information, you must leave the room during the deliberations of the Overview & Scrutiny Committee on the executive decision.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of Birmingham City Council:-
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from Birmingham City Council's Standards Committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.

- (2) Where you have a prejudicial interest in any business of Birmingham City Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of Birmingham City Council or of a sub-committee of such a committee as per the clarification at paragraph 11(2)) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3

Registration of Members' Interests

Statutory Registration of Members' Interests

13. (1) Subject to paragraph 14, you must, within 28 days of:-
- (a) this Code being adopted by or applied, by operation of the law, to Birmingham City Council; or
 - (b) your election or appointment to office (where that is later),
- register in Birmingham City Council's Statutory Register of Members' Interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to Birmingham City Council's Monitoring Officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to Birmingham City Council's Monitoring Officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information (as defined by paragraph 14(3)), and Birmingham City Council's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify Birmingham City Council's Monitoring Officer asking that the information be included in Birmingham City Council's Statutory Register of Members' Interests.

- (3) In this Code, “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

PART 4

Additional voluntary provisions

15. (1) For the purpose of completeness:-
- (a) the Ten General Principles of Public Life – referred to in paragraph 1(2) – are attached as an Annex to this Code of Conduct for Members. For the avoidance of doubt, a breach of the Ten General Principles will not be a breach of this Code of Conduct, but the Annex may be taken into account in determining whether there is a breach of this Code of Conduct for Members; and
 - (b) Members should be aware that criminal liability may arise, for example, under the Theft Acts, Misconduct in Public Office and under the Prevention of Corruption legislation. Civil liability may arise, for example, under breach of trust / confidence, defamation, ultra vires, bias, predeterminations, misfeasance in public office legislation and/or common law principles.
15. (2) No member shall provide or offer to provide a formal reference for any candidate for employment or promotion with Birmingham City Council as to do so may be perceived as bringing an unacceptable pressure to bear on the appointing officer and any officer appointed as a result of such reference.
15. (3) Paragraph 6 (b) provisions shall be extended to include reference to resources over which Birmingham City Council exercises control or influence.
15. (4) **Additional definitions:**
- (a) “Meeting” in paragraph 1(4) shall include informal meetings of Birmingham City Council between members and/or with officers relating to the discharge of Birmingham City Council’s functions. For the avoidance of doubt, examples include Working Parties / Panels / Groups and other Executive Member and Chairman’s meetings.
 - (b) “Bully” in paragraph 3(2)(b) shall consist of:-
 - (i) a single act or a series of acts that are or may be considered by the person receiving such treatment or behaviour as being offensive, intimidating, malicious, insulting or humiliating; **or**
 - (ii) abuse or misuse of power or authority which attempts to undermine an individual or a group of individuals, gradually eroding their confidence and capability; **and**

action(s) which a reasonable person may consider to be used to suffer stress, anxiety, fear of personal harm, loss or damage to the alleged victim.

- (c) "In the public interest" in paragraph 4(a) shall be interpreted in accordance with the Freedom of Information Act 2000, the Public Interest Disclosure Act 1998, statutory guidance issued by the Information Commissioner or as determined, from time to time, by a court of law or pursuant to any reasonable requirements of Birmingham City Council, under its Freedom of Information Corporate Policy and Procedures.
- (d) "Family" in paragraph 8(2) shall include:-
 - (i) a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity); and
 - (ii) a parent, a parent in law, a son or daughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.
- (e) "Close associate" in paragraph 8(2) may include:-
 - (i) a person with whom you have a close association;
 - (ii) someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance;
 - (iii) someone a reasonable member of the public might think you would be prepared to favour (or disadvantage) when discussing a matter that affects them; and
 - (iv) a friend, a colleague or a business associate.

Formal resolution of Birmingham City Council: 11th September 2007
Code to be effective from: 1st October 2007

ANNEX - The Ten General Principles

Selflessness — members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity — members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity — members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness — members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement — members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others — members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law — members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

Stewardship — members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership — members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

ANNEX – The Equality Enactments (paragraph 3(2)(a))

Complying with equality laws

- equal pay
- sex discrimination
- race discrimination
- disability discrimination
- sexual orientation – employment related discrimination
- religion or belief – employment related discrimination
- age – employment related discrimination

B. GENERAL GUIDANCE ON THE CODE OF CONDUCT FOR MEMBERS

This section is currently under review by the Corporate Director of Governance

C. COMPLAINTS AGAINST MEMBERS

With effect from 8 May 2008, all written complaints against Elected and Co-opted Members of Birmingham City Council for alleged breaches of the Code of Conduct for Members must be submitted using the appropriate Complaint Form. This form, along with other guidance material, is available on the Council's website.

STATUTORY REGISTER OF MEMBERS INTERESTS
(Pursuant to Birmingham City Council's Code of Conduct for Members)

Notice of Registerable Financial and Other Interests
(Please read the accompanying Notes of Guidance before completing this form)

I,(name)

Being an Elected / Co-opted (**delete as appropriate**) Member of Birmingham City Council do hereby give notice that I have set out below, under the appropriate headings, my interests which I am required to declare under Birmingham City Council's Code of Conduct for Members. Where I have no registerable interest under any heading, I have placed "None".

PART 1:
(Financial & other Interests)

Within 28 days of this Code of Conduct being adopted by the Authority (i.e.1st October 2007), or within 28 days of his/her election or appointment to office, if that is later, an Elected or Co-opted Member must register his/her financial interests in a public register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's Monitoring Officer [currently the Corporate Director of Governance].

This form must be used to fulfil that obligation.

Please provide a full answer, **against each criteria listed below**, if you have a personal interest which relates to or is likely to affect:-

	Your comments:
(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by Birmingham City Council;	

	Your comments:
<p>(ii) any body:-</p> <p>(aa) exercising functions of a public nature;</p> <p>(bb) directed to charitable purposes (including Freemasons); or</p> <p>(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),</p> <p>of which you are a member or in a position of general control or management;</p>	
<p>(iii) any employment or business carried on by you;</p>	
<p>(iv) any person or body who employs or has appointed you;</p>	
<p>(v) any person or body, other than Birmingham City Council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;</p>	
<p>(vi) any person or body who has a place of business or land in Birmingham City Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);</p>	

	Your comments:
(vii) any contract for goods, services or works made between Birmingham City Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);	
(viii) any land in Birmingham City Council's area in which you have a beneficial interest;	
(ix) any land where the landlord is Birmingham City Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;	
(x) any land in Birmingham City Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.	

NB:

If there is insufficient space in any of the boxes provided, please use a supplementary sheet to ensure a full and frank details of the arrangements are provided to the Monitoring Officer for your Statutory Register, as the Statutory Register is a public document to which members of the public will have free access to during normal office hours.

Furthermore, in keeping with open and transparent good governance, copies of the Statutory Register will be published on the City Council's website, unless you inform (or have previously informed) the Monitoring Officer to the contrary.

If you have any "sensitive information" - as defined by paragraph 14(3) of the Code of Conduct for Members - please contact the Monitoring Officer for advice, as only information falling within such definition will be approved by the Monitoring Officer for exclusion from the Statutory Register and such exclusion will, as per the requirements of the Code of Conduct, be the subject of regular reviews.

Reminder

(Any changes to Part 1)

An Elected or Co-opted Member must, within 28 days of becoming aware of any change to the interests specified under Part 1, provide written notification to the Monitoring Officer [currently the Corporate Director of Governance] of that change by completing a fresh form or by sending an e-mail to the Monitoring Officer. Failure to meet the deadline will be a breach of the Code of Conduct for Members.

Declaration

I recognise that I will be in breach of Birmingham City Council's Code of Conduct for Members if I:

- (a) omit information that ought to be given in this notice;
- (b) provide information that is materially false or misleading;
- (c) fail to give further notices within 28 days of any change to the information set out above in order to:
 - bring up to date the information given in this notice.
 - declare an interest that I acquire after the date of this notice and have to declare the same.

Signed

Dated

Please return the signed Declaration to the Monitoring Officer [Corporate Director of Governance].

Date received by the Monitoring Officer//

GUIDANCE ON COMPLETING FORM

1. Any employment or business carried on by you.

You should show under this heading every employment, office, trade, profession or vocation which you have to declare for income tax purposes, i.e. that is carried on for profit or gain.

Give a short description of the activity concerned, e.g. "Computer Operator" "Teacher" or "Accountant".

Give the name of your employer(s) or, in the case of a paid office, the name of the body, which appointed you to that office. If employed by a company, give the name of the company paying your wages or salary, not that of any ultimate holding company.

2. The name of any corporate body which has a place of business or land in the authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body.
3. Give the names of any companies, industrial and provident societies, co-operatives societies or other corporate bodies which have any business or land in Birmingham and in which your beneficial interest exceeds £25,000 or 1/100th of the total issued share capital.
4. If you require any advice or assistance over this form, please feel free to contact the Corporate Director of Governance.

When you have completed the form, please return it to the Monitoring Officer.

IMPORTANT REMINDER

You do not need to complete this Form every year, but there is a continuing obligation on every Elected and Co-opted Members to keep the information provided up to date. Any changes to the information given should be notified within 28 days of the change occurring.

If in doubt, please do not hesitate to contact me for advice.

Mirza Ahmad
Corporate Director of Governance
September 2007

STATUTORY REGISTER OF GIFTS OR HOSPITALITY
(Pursuant to Birmingham City Council's Code of Conduct for Members)

An Elected or Co-opted Member must, within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer [currently the Corporate Director of Governance] of the existence and nature of that gift or hospitality.

I,

Being an Elected / Co-opted (**delete as appropriate**) Member of Birmingham City Council do hereby give notice that I have received the gift or hospitality detailed overleaf.

Declaration

I recognise that I will be in breach of Birmingham City Council's Code of Conduct for Members if I:

- (a) omit information that ought to be given in this notice;
- (b) provide information that is materially false or misleading;
- (c) fail to give further notices within 28 days of the receipt of any gift or hospitality.

Signed

Dated

Please return the signed Notice to the Monitoring Officer [Corporate Director of Governance].

Date received by the Monitoring Officer//

STATUTORY REGISTER OF GIFTS OR HOSPITALITY
(Pursuant to Birmingham City Council's Code of Conduct for Members)

Please use this sheet to record any gift or hospitality that you might have received with an estimated value of at least £25

Date upon which the Gift or Hospitality was received	Person / Organisation offering or providing the Gift or Hospitality	Brief details of Gift or Hospitality received	Estimated or actual value of the Gift or Hospitality	Any reasons for accepting the Gift or Hospitality

Register of : Elected / Co-opted Member (delete as appropriate).

Guidance : If any hospitality is provided at an official function of the City Council, there will be no need to declare any such hospitality in this Register. This clarification also applies to any official function of the City Council that may have received or is the subject of sponsorship from an organisation external to the City Council.

If you are in any doubt over any gift or hospitality, please do not hesitate to contact the Monitoring Officer for advice.

DISPENSATIONS AVAILABLE FROM BIRMINGHAM CITY COUNCIL'S STANDARDS COMMITTEE

Pursuant to The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 : -

Circumstances in which dispensations may be granted

3. (1) The authority's standards committee may, subject to paragraph (2) below, grant a dispensation to a member in the following circumstances-
 - (a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because-
 - (i) the number of members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to so participate; or
 - (ii) the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989¹;
 - (b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and
 - (c) the standards committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.
- (2) Nothing in sub-paragraph (1) above shall permit a dispensation to be granted-
 - (a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or
 - (b) where the effect of the mandatory provisions from which a dispensation is sought is that-

¹ 1989 c. 42. Section 15 has been modified by the Local Government (Committees and Political Groups) Regulations 1990 (SI 1990/1552)

- (i) a member is prohibited from participating in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority, or sub-committee of that committee, where that consideration relates to any decision made or action taken by any other of the authority's committees, sub-committees, joint committees, or joint sub-committees of which he may also be a member; or
- (ii) a member of the authority's executive² is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by him solely.

Records of dispensations

4. The authority's standards committee must ensure that-
- (a) the existence, duration and nature of any dispensation is recorded in writing; and
 - (b) that such record is kept with the register of interests established and maintained under Section 81(1) of the Act.

Came into force on: 18 March 2002

² Part II of the Act makes provision for executive arrangements for county councils, district councils and London borough councils. Sections 14 to 16 make provision for individuals to exercise functions which are the responsibility of an executive.