

# BIRMINGHAM CITY COUNCIL

<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE 18 JANUARY 2021</b>
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**MINUTES OF A MEETING OF THE COUNCIL BUSINESS MANAGEMENT  
COMMITTEE HELD ON MONDAY 18 JANUARY 2021 AT 1400 HOURS,  
AS AN ON-LINE MEETING**

**PRESENT:** Councillor Ian Ward in the Chair;

Councillors Robert Alden, Fred Grindrod, Shabrana Hussain, Brigid Jones, Gareth Moore, Carl Rice, Martin Straker Welds and Mike Ward.

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**NOTICE OF RECORDING**

- 3056 The Chairman advised that the meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public may record and take photographs at the meeting except where there are confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 3057 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

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**APOLOGIES**

- 3058 No apologies were submitted.

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**MINUTES**

- 3059 That the Minutes of the last meeting held on 21 December 2020 were confirmed and signed by the Chair.

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**LORD MAYOR 2021/2022**

The following report of the City Solicitor was submitted:-

(See document No 1)

The Chair referred to the report. In response to a comment from Councillor Robert Alden relating to the possibility of the Annual Meeting of the City Council in May having to be an on-line meeting if Covid restrictions were still in place, the Chair indicated that it was appropriate to give consideration on that at a Group Leaders meeting. He was of the opinion that the Annual Meeting should go ahead this year if possible.

3060

**RESOLVED:-**

- i) That the Lord Mayor for 2021/2022 be the nomination from the Labour Group made in February 2020, instead of the Conservative Group as indicated by the formula for the Lord Mayoralty; and
- ii) that the Lord Mayor for 2022/2023 be from the Conservative Group instead of the Labour Group

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**MEETINGS IN THE PRE-ELECTION PERIOD**

The following report of the City Solicitor was submitted:-

(See document No 2)

Suzanne Dodd, City Solicitor, made introductory comments relating to the report.

Councillor Mike Ward was of the opinion that all meetings should go ahead this year noting that in previous years meetings had gone ahead as normal when the elections for the West Midlands Police and Crime Commissioner and West Midlands Mayor were held.

Councillor Robert Aiden felt the recommendation should be extended to make it clear that it did not stop or restrict the publication of reports concerning what the Council was doing and noted the consideration of reports such as Audit report on DBS checks should not be delayed as had happened just before the 2019 General Election. Councillor Gareth Moore, in agreeing with Councillor Alden, felt Purdah should not be used as an excuse for preventing important reports from being discussed.

The Chair indicated that he did not believe many, if any, meetings would not be held as they would only be cancelled following consultation between the City Solicitor and the Chair of the Committee. The issue was around the publishing of material.

The City Solicitor indicated that she did not consider it necessary to change the recommendation as reports would be considered on a case by case basis taking into consideration the guidance.

Councillor Alden the report indicates that it should be 'business as usual' and a report that is critical of a service area was just part of the day to day business of the council. He noted that by not publishing a critical report it could be argued that was helping a political party.

The Chair indicated he did not believe the City Solicitor was arguing against that point and was saying reports going to committees would be considered on a day to basis.

The Chair put the recommendation to the vote and, by the recorded vote set out below, was declared to be carried.

**For the recommendation (6)**

Fred Grindrod  
Shabrana Hussain

Brigid Jones  
Carl Rice

Martin Straker Welds  
Ian Ward

**Against the recommendation (3)**

Robert Alden

Gareth Moore

Mike Ward

**Abstentions (0)**

Therefore it was-

3061

**RESOLVED:-**

That the Committee agrees that

- During the pre-election period in 2021, those regulatory committee meetings which are quasi-judicial in nature (Planning, Licensing) continue to be held to ensure the timely consideration of applications;
- Other meetings shall only take place in accordance with a decision by the Monitoring Officer, in consultation with the Chair of the Committee in question, taking account of the Code of Recommended Practice on Local Authority Publicity and the nature of the business involved;
- That advice is circulated to all Councillors to remind Councillors about the guidelines and restrictions on publicity during the pre-election period.

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**PETITION DEMOLITION OF PERRY BARR FLYOVER**

The following report of the City Solicitor was submitted:-

(See document No 3)

The Chair commented that the issue had been fully debated within the council across a range of committees and at full Council including a 'call in'. Those opposed to the demolition needed to accept the decision had been taken to demolish the flyover. He therefore did not believe that the petition should be debated at either an Overview and Scrutiny Committee or at a meeting of the City Council and by the time that the petition could be submitted to either work on the flyover would have started.

Councillor Mike Ward, whilst reluctantly accepting that the work to demolish the flyover would not be stopped now, proposed that the petition be referred to the Resources Overview and Scrutiny Committee with a request that the committee hold an inquiry into the whole Perry Barr project. Councillor Robert Alden seconded the proposal noting that there was considerable concern about the impact of the proposals on the local community and that of the wider north Birmingham area not only during construction but for years to come.

Councillor Brigid Jones felt the petitions should not go forward for debate as much time and money had been spent on addressing the issues raised in the petition particularly a Judicial Review which had not been allowed to go forward. She noted that it could be discussed at Resources Overview and Scrutiny Committee as they could put it on an agenda if they so wished but it should be clear what they were to discuss as they should not be going over old ground. The Chair agreed that if the Committee wanted to do a piece of work on this then they could request it.

Councillor Carl Rice cautioned against referring it to an Overview and Scrutiny Committee as scrutiny should not be a place to overturn a decision that has already gone through due process and been reviewed by an external court. He felt that it was a delaying tactic by the petition organisers. He also noted the benefits of the scheme in allowing access to the wider Birmingham City University which was being redeveloped.

The Chair put the recommendation put forward by Councillor Mike Ward and seconded by Councillor Robert Alden to the vote and, by the recorded vote set out below, was declared to be lost.

**For Councillor M Ward's recommendation (3)**

Robert Alden	Gareth Moore	Mike Ward
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**Against Councillor M Ward's recommendation (6)**

Fred Grindrod	Brigid Jones	Martin Straker Welds
Shabrana Hussain	Carl Rice	Ian Ward

**Abstentions (0)**

The Chair put the recommendation not to refer the petition to an Overview and Scrutiny Committee or City Council to the vote and, by the recorded vote set out below, was declared to be carried.

**For the recommendation (6)**

Fred Grindrod	Brigid Jones	Martin Straker Welds
Shabrana Hussain	Carl Rice	Ian Ward

**Against the recommendation (3)**

Robert Alden

Gareth Moore

Mike Ward

**Abstentions (0)**

Therefore it was-

3062

**RESOLVED:-**

- (i) That the report be noted; and
- (ii) that the petition is not referred to an Overview and Scrutiny Committee or City Council.

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**CITY COUNCIL AND CBM FORWARD PLAN**

The following City Council and CBM Forward Plan was submitted:-

(See document No 6)

In response to a comment from Councillor Robert Alden relating to item 6g on page 44 of 50 that no progress had been made, the City Solicitor indicated that she did not have an update at present but would provide Members of the Committee with one in due course.

3063

**RESOLVED:-**

That the City Council and CBM Forward Plan be noted.

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**COUNCIL AGENDA FOR THE NEXT MEETING**

The following draft agenda was submitted:-

(See document No 7)

During discussion it was agreed to

- Reduce the time for agenda item No. 7 (Executive Business Report) to 20 minutes.
- Increase the time allocated for agenda item 10 (Scrutiny Inquiry: Fly-Tipping) to 60 minutes.
- Increase the time for the meeting by 20 minutes to finish at 1800 hours

It was further noted that Councillor Brigid Jones would be presenting the Executive Business report that would deal with Covid and Brexit.

3064

**RESOLVED:-**

That, subject to the above changes, the draft agenda be noted, and that Standing Orders be waived as appropriate.

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**APPOINTMENTS**

Councillor Martin Straker Welds proposed that Councillor Kath Hartley fill the vacancy on the Planning Committee.

It was-

3065

**RESOLVED:-**

That Councillor Kath Harley (Lab) be appointed to the Planning Committee, filling the Labour vacancy, for the period ending with the next Annual Meeting of the Council.

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**OTHER URGENT BUSINESS**

3066

There were no items of Other Urgent Business

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**AUTHORITY TO CHAIR AND OFFICERS**

3067

**RESOLVED:-**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

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The meeting ended at 1434 hours.

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CHAIR