



**EXTRAORDINARY MEETING
OF BIRMINGHAM CITY
COUNCIL, THURSDAY, 12
OCTOBER 2023**

**MINUTES OF THE EXTRAORDINARY MEETING OF BIRMINGHAM
CITY COUNCIL HELD ON THURSDAY, 12 OCTOBER 2023 AT 1400
HOURS IN THE COUNCIL CHAMBER, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Chaman Lal) in the Chair.

Councillors

Saima Ahmed	Deirdre Alden	Robert Alden
Gurdial Singh Atwal	Raqeeb Aziz	Shabina Bano
David Barker	David Barrie	Baber Baz
Jilly Bermingham	Sir Albert Bore	Nicky Brennan
Kerry Brewer	Marje Bridle	Martin Brooks
Zaker Choudhry	Debbie Clancy	Liz Clements
Maureen Cornish	John Cotton	Phil Davis
Jack Deakin	Adrian Delaney	Diane Donaldson
Jayne Francis	Sam Forsyth	Ray Goodwin
Rob Grant	Colin Green	Roger Harmer
Deborah Harries	Kath Hartley	Adam Higgs
Des Hughes	Jon Hunt	Mahmood Hussain
Shabrana Hussain	Timothy Huxtable	Mohammed Idrees
Zafar Iqbal	Katherine Iroh	Ziaul Islam
Morriam Jan	Kerry Jenkins	Meirion Jenkins
Brigid Jones	Jane Jones	Amar Khan
Ayoub Khan	Mariam Khan	Saqib Khan
Izzy Knowles	Narinder Kaur Kooner	Bruce Lines
Mary Locke	Ewan Mackey	Basharat Mahmood
Majid Mahmood	Rashad Mahmood	Karen McCarthy
Saddak Miah	Shehla Moledina	Gareth Moore
Yvonne Mosquito	Richard Parkin	David Pears
Miranda Perks	Rob Pocock	Julien Pritchard
Lauren Rainbow	Darius Sandhu	Shafique Shah
Rinkal Shergill	Sybil Spence	Saima Suleman
Jamie Tennant	Sharon Thompson	Paul Tilsley
Lisa Trickett	Penny Wagg	Ken Wood
Alex Yip	Waseem Zaffar	

NOTICE OF RECORDING

- 182 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's Public-I website and that members of the press/public may record and take photographs except where there were confidential or exempt items.
-

DECLARATIONS OF INTERESTS

- 183 The Lord Mayor reminded Members that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at the meeting.

Councillor Sam Forsyth declared a non-pecuniary interest in that her brother was employed by Birmingham City Council.

Concillor Sybil Spence had been granted a dispensation by the Chair of the Standards Committee in advance of the meeting.

Councillor Robert Alden addressed the Chamber in order to ascertain how the Chair of the Standards Committee could grant any dispensations to Members who had not declared any interests in advance of the meeting.

Councillor Sam Forsyth responded to inform Council that the dispensation had been granted on 11 October.

The City Solicitor informed Council that it was preferable for a Member to seek a dispensation in advance of a meeting, although declarations of interest could always also be made under this agenda item. Members noted that a dispensation could not be considered and agreed unless it has been submitted in writing to the Monitoring Officer. If a request for a dispensation had not been formally approved, then any Member(s) declaring an interest in a particular agenda item would need to leave the Chamber at that point.

POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

It was moved by the Lord Mayor, seconded and –

- 184 **RESOLVED:**

That members of the press and public would be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds: it involved the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972; and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Lord Mayor confirmed that agenda items 3 and 4 both contained appendices which were classified as exempt for the reasons outlined above.

REPORT TO ALL ELECTED MEMBERS UNDER SECTION 5 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989 BY JANIE BERRY, CITY SOLICITOR AND MONITORING OFFICER AND REPORT TO ALL ELECTED MEMBERS UNDER SECTION 114 (2) OF THE LOCAL GOVERNMENT FINANCE ACT 1988 BY FIONA GREENWAY, INTERIM DIRECTOR OF FINANCE (SECTION 115 OFFICER)

The Lord Mayor invited the Section 151 Officer, Fiona Greenway to address the Council.

Members noted that on 21 September 2023, the Monitoring Officer issued a Report under Section 5 of the Local Government and Housing Act 1989, as a result of the Council failing as at that date to secure a decision relating to the implementation of a job evaluation programme.

The key issues and context which triggered the issuing the of the Section 5 Report were detailed in the report which appeared as Appendix 1.

Alongside the issuing of the Section 5 Report by the Monitoring Officer, the Section 151 Officer issued a report under Section 114 (2) Local Government Finance Act 1988 to provide her opinion that “omission of a decision by the Council Business Management Committee has resulted in (a) a decision which involves the authority incurring additional expenditure which is unlawful, and (b) the course of action (i.e. inaction) if pursued to conclusion would be unlawful and cause a loss or deficiency on the authority”.

The key issues and context which triggered the issuing the of the Section 114 (2) report were detailed in Appendix 2.

Councillor John Cotton addressed the Council to outline the work taking place to transform the authority. Members noted that the Council was working at pace to address the issues facing the authority. Commissioners had been appointed to assist the Council with these immediate challenges.

Councillor John Cotton expressed a view that his decision to liaise with Commissioners in relation to job evaluation was sensible and pragmatic.

The focus of the Leader of the Council and the Cabinet was to work collaboratively to ensure the challenges facing the Council were met.

Councillor Robert Alden addressed the Council to emphasise the importance of the Leader of the Council and the Cabinet to act quickly and decisively to ensure additional expenditure was not being incurred and that the challenges facing the Council were addressed as a matter of urgency.

Councillor Robert Alden highlighted the delays in relation to the action taken by the Labour administration which could have prevented the issuing of the section 5 and section 114 notices which Council were being asked to accept at this meeting.

The Conservative Group did not agree with the cancelling of extraordinary meetings of the Council Business Management Committee which had been convened to attempt to take decisions to avoid the need to issue section 5 and section 114 notices. Council noted that a start date for Commissioners had not been known when these meetings had been arranged and so decisions could have been taken without further delays occurring and additional expenditure being incurred.

The Conservative Group agreed with the issuing of both notices.

Councillor Roger Harmer addressed the Council and highlighted the potential impact on which the likely cuts in services could affect the residents of the city. Residents still did not know the exact impacts on services and any potential impacts on Council Tax.

Councillor Harmer also referenced the issues associated with the Oracle project and the negative financial impact this would also have on the Council's finances.

Councillor Harmer further highlighted the importance of ensuring that the issues facing the Council needed to be dealt with quickly and effectively to minimise any further financial impact on the authority.

Councillor Julien Pritchard addressed the Council and expressed a view that inaction and delays on behalf of the current administration stretched back a number of years. If action had been taken a significant time ago then the authority may not have been in the position which it currently found itself in.

Following the conclusion of speeches, the Lord Mayor addressed the Council and informed the Chamber that those Members who had not been granted a dispensation in advance of the meeting would not be permitted to vote on any of the recommendations contained in the submitted reports. These Councillors were Shehla Moledina, Ziaul Islam and Rinkal Shergill.

A named vote was then called by the Lord Mayor in respect of the recommendations outlined in the report. The Chamber doors were locked.

Here upon a poll being demanded the voting was as follows:-

For the Recommendations (77)

Paul Tilsley	Izzy Knowles	Colin Green
Deborah Harries	Penny Wagg	Ayoub Khan
Roger Harmer	Morriam Jan	Zaker Choudhry
Jon Hunt	Baber Baz	Gareth Moore
David Barrie	Kerry Brewer	Richard Parkin
Debbie Clancy	Adrian Delaney	David Pears
Alex Yip	Deirdre Alden	Ken Wood
Adam Higgs	Robert Alden	Ewan Mackey
Timothy Huxtable	Darius Sandhu	Meirion Jenkins
Rob Pocock	Mariam Khan	Shabrana Hussain
Shafique Shah	Jilly Birmingham	Sam Forsyth
Saima Ahmed	Jamie Tennant	Jane Jones
Sybil Spence	Lauren Rainbow	Martin Brooks
Saddak Miah	Zafar Iqbal	Liz Clements
Diane Donaldson	Saqib Khan	Des Hughes
Ray Goodwin	Katherine Iroh	Gurdial Singh Atwal
Raqeeb Aziz	Nicky Brennan	Marje Bridle
Basharat Mahmood	David Barker	Yvonne Mosquito
Waseem Zaffar	Kath Hartley	Mary Locke
Narinder Kaur Kooner	Amar Khan	Rob Grant
Julien Pritchard	Phil Davis	Brigid Jones
Majid Mahmood	Miranda Perks	Mahmood Hussain
John Cotton	Rashad Mahmood	Saima Suleman
Sharon Thompson	Jayne Francis	Shabina Bano
Jack Deakin	Karen McCarthy	Mohamed Idrees
Lisa Trickett	Sir Albert Bore	

Against the Recommendations (0)

Abstentions (0)

It was moved by the Lord Mayor, seconded and

185

RESOLVED:-

That City Council agreed:

- (i) To accept the report issued by the Monitoring Officer issued under Section 5 Local Government and Housing Act 1989; and
 - (ii) to accept the report issued by the Section 151 Officer issued under Section 114 (2) Local Government Finance Act 1988.
-

PAY EQUITY SYSTEM

A joint report of Deborah Cadman, Chief Executive and Head of Paid Service, Fiona Greenway, Interim Director of Finance and Section 151 Officer, and Janie Berry, City Solicitor and Monitoring Officer was submitted (See document No. 2, agenda item 5).

The Lord Mayor proposed that standing orders be suspended for this item to enable all Group Leaders to speak for a maximum of seven minutes each. This was seconded and agreed.

Councillor John Cotton moved the recommendations which were seconded by Councillor Sharon Thompson.

Council noted the importance of addressing the equal pay gap as soon as possible.

Councillor John Cotton informed the Council that a modified version of the nationally recognised gauge model which would deliver a swift and fair job evaluation scheme had been agreed with the recognised trade unions.

The Labour Group, working with Commissioners and trade unions had agreed a revised addendum which set out agreed principles of working in relation to the delivery of a new pay equity system.

All three recognised trade unions had agreed to the modified gauge model that afternoon.

Councillor Robert Alden addressed the Council and highlighted the delays associated with the implementation of the pay equity system due to the cancellation of meetings and the additional costs which had resulted as such.

Councillor Robert Alden and the Conservative Group expressed displeasure that Council were being asked to vote on a matter where a key amended addendum had not been distributed to all Members. This resulted in Members not knowing precisely what had been agreed as part of negotiations in relation to equal pay and the financial impact associated with the revised agreement. Council had not seen a signed version of the agreed addendum. There was also no comments available from the external auditors to consider in advance of voting on the recommendations contained within the report.

Councillor Roger Harmer addressed the Council and whilst acknowledging the good news in terms of an agreement being reached in relation to an equal pay job evaluation, he remained concerned that the precise financial implications were not available for Members to see.

Councillor Harmer expressed disappointment that it had taken years for an agreement to have been reached, furthermore that an agreement had only been reached immediately before the commencement of the meeting. There was still

significant work ahead before final agreement on equal pay was reached.

Councillor Julien Pritchard addressed the Council and expressed concern that there was no written confirmation from trade unions that they had agreed to the job evaluation scheme.

He also expressed concerns that significant information related to the agreement was not available because agreement had been reached so close to the commencement of the meeting.

Councillor Pritchard queried why it had taken such a significant amount of time to agree a job evaluation scheme with the trade unions. He hoped that this would be completed by the April 2025 deadline.

A debate ensued.

Councillors Sir Albert Bore, Deirdre Alden, Paul Tilsley, Marje Bridle, Ken Wood, Baber Baz, Brigid Jones, Alex Yip, Basharat Mahmood, Gareth Moore, Karen McCarthy, Richard Parkin, Mariam Khan, Ewan Mackey, Jack Deakin, Jayne Francis and David Pears spoke during the debate.

The Lord Mayor invited Councillor John Cotton to sum up.

The Lord Mayor announced a short adjournment following the comments made by Councillor Robert Alden in relation to the legalities associated with voting on the recommendations outlined in the report. This was seconded and agreed.

The meeting was adjourned at 1623 for ten minutes.

The meeting was reconvened at 1633.

The Lord Mayor invited the Chief Executive, Deborah Cadman to address the Council to provide clarification on the issues raised in advance of the adjournment.

Members noted that paragraph 1.3 of the supplementary report which was published on the committee management information system (cmis) and e-mailed to all Members at 1120am that morning clarified the current position in relation to the revised addendum. Section 2 of the report outlined the recommendation which was debated by Members during this section of the meeting. The Chief Executive read out this recommendation to the Chamber. This recommendation had the full support of all three statutory officers and was endorsed by the Commissioners.

A named vote was then called by the Lord Mayor in respect of the recommendations outlined in the report. The Chamber doors were locked.

Here upon a poll being demanded the voting was as follows:-

For the Recommendations (56)

Phil Davis	Brigid Jones	Majid Mahmood
Miranda Perks	Mahmood Hussain	John Cotton
Rashad Mahmood	Rob Pocock	Mariam Khan
Shabrana Hussain	Saima Suleman	Sharon Thompson
Jayne Francis	Shafique Shah	Jilly Bermingham
Sam Forsyth	Saima Ahmed	Shabina Bano
Jamie Tennant	Jane Jones	Jack Deakin
Lauren Rainbow	Martin Brooks	Saddak Miah
Liz Clements	Diane Donaldson	Saqib Khan
Des Hughes	Ray Goodwin	Katherine Iroh
Gurdial Singh Atwal	Raqeeb Aziz	Karen McCarthy
Nicky Brennan	Marje Bridle	Mohammed Idrees
Basharat Mahmood	David Barker	Lisa Trickett
Sir Albert Bore	Yvonne Mosquito	Waseem Zaffar
Kath Hartley	Mary Locke	Narinder Kaur Kooner
Paul Tilsley	Izzy Knowles	Colin Green
Deborah Harries	Penny Wagg	Ayoub Khan
Roger Harmer	Morriam Jan	Zaker Choudhry
Jon Hunt	Baber Baz	

Against the Recommendations (0)

Abstentions (19)

Gareth Moore	David Barrie	Kerry Brewer
Richard Parkin	Debbie Clancy	Adrian Delaney
David Pears	Alex Yip	Deirdre Alden
Ken Wood	Adam Higgs	Robert Alden
Ewan Mackey	Timothy Huxtable	Darius Sandhu
Bruce Lines	Meirion Jenkins	Rob Grant
Julien Pritchard		

It was moved by the Lord Mayor, seconded and

186

RESOLVED:-

City Council agreed to:

- (i) Delegate authority to the Head of Paid Service to agree the terms of the revised addendum on the behalf of the Council with its three recognised Trade Unions on or before 4pm on 22

October 2023.

- (ii) In the absence of the Council being in receipt of an agreed addendum, signed by authorised representatives of all three recognised Trade Unions by 4pm on 22 October 2023, Council Officers were instructed to proceed with the implementation of Option 4 (Outsourced Option) as set out in the CBMC Report dated 1 September 2023, with immediate effect.

Council noted that the decision was made in the context of:

- (a) A Section 114 (3) Report issued by the Section 151 Officer under the Local Government Finance Act 1988 on 5 September 2023;
- (b) A Section 5 Report was issued by the Monitoring Officer under Section 5 Local Government and Housing Act 1989 on 21 September 2023, as there was a failure to secure a decision relating to the implementation of a job evaluation programme;
- (c) A Section 114 (2) Report issued by the Section 151 Officer under the Local Government Finance Act 1988 on 21 September 2023, triggered by the issuing of the Section 5 Report as in the opinion of the Section 151 Officer, the omission of a decision by the Council Business Management Committee has resulted in (a) a decision which involves the authority incurring additional expenditure which is unlawful, and (b) the course of action (ie inaction) if pursued to conclusion would be unlawful and cause loss or deficiency on the authority;
- (d) Statutory Recommendations issued by the External Auditor, Grant Thornton, under the Local Audit and Accountability Act 2014, on 29th September 2023, which included a recommendation to the Council that “the commencement of the job evaluation process should not be further delayed (as this would further undermine the Council’s financial sustainability)”;

and

- (e) potential equal pay liabilities which are estimated to be accruing at a rate of between £5m-£14m per month from 1 April 2025.

The meeting ended at 1647 hours.