

BIRMINGHAM CITY COUNCIL

COUNCIL BUSINESS MANAGEMENT COMMITTEE 10 MAY 2021
--

MINUTES OF A MEETING OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE HELD ON MONDAY 10 MAY 2021 AT 1400 HOURS, IN THE COUNCIL CHAMBER, COUNCIL HOUSE, BIRMINGHAM

PRESENT: Councillor Ian Ward in the Chair;

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

NOTICE OF RECORDING

- 3099 The Chairman advised that the meeting would be webcast for live or subsequent broadcast via the Council's Internet site (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.

DECLARATIONS OF INTEREST

- 3100 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.

Councillor Robert Alden advised that he was the Deputy Chairman of the Local Government Association the referred to at agenda item No. 12.

APOLOGIES

- 3101 Apologies were submitted on behalf of Councillors Shabrana Hussain and Gareth Moore for their inability to attend the meeting.

MINUTES

- 3102 That the Minutes of the last meeting held on 29 March 2021 were confirmed and signed by the Chair.

INDEPENDENT REMUNERATION PANEL – MEMBERSHIP

The following report of the City Solicitor was submitted:-

(See document No 1)

Emma Williamson, Head of Scrutiny, made introductory comments relating to the report and it was:

3103

RESOLVED:-

That this Committee appoints the following people to the Independent Remuneration Panel as follows:

<u>Appointee</u>	<u>Term of Office</u>
Rose Poulter Citizen Rep	1 Sept 2021 – 31 August 2025 <i>Re-appointment</i>
Jacqui Francis Citizen Rep	1 Sept 2021 – 31 August 2025 <i>Re-appointment</i>
David Grainger Appointed Member	1 Sept 2021 – 31 August 2024 <i>Re-appointment</i>
Sajid Sheikh Appointed Member	1 Sept 2021 – 31 August 2024 <i>Re-appointment</i>

AMENDMENTS TO CALL-IN FORM

The following report of the City Solicitor was submitted:-

(See document No 2)

Emma Williamson, Head of Scrutiny, made introductory comments relating to the report.

Councillors Carl Rice spoke in support of the proposals set out in the report. Councillor Robert Alden was supportive of the proposals on the understanding the changes were helpful rather than restrictive. He added that the names of the Councillors requesting a 'Call-in' had dropped off the form and Emma Williamson confirmed that that was an error.

It was-

3104

RESOLVED:-

That, subject to the reinstatement of the names as referred to in the forgoing preamble, this Committee agrees the amended call-in form as set out in Appendix 1 of the report submitted.

ANNUAL REVIEW OF THE CONSTITUTION

The following report of the City Solicitor was submitted:-

(See document No 3)

Suzanne Dodd, City Solicitor, made introductory comments relating to the report and noted that an addendum report had been circulated.

(See document No 4)

She continued that the addendum report was seeking agreement to the Code of Conduct considered and agreed by Standards Committee on the 5 May 2021 and a minor change to the Licensing Sub-Committee to reflect legal advice confirming that the Sub-Committees could meet remotely under the Licencing Act when undertaking Licencing Act hearings. Suzanne Dodd continued that the Committee was requested to give consideration to an email from Councillor Phil Davis at appendix 3 relating the Constitution.

The Chair referring to Councillor Davis' point about Ward Forums felt that there should be a minimum number of meetings as set out in the Constitution. He queried the need for hard copies of agenda packs and the City Solicitor confirmed that there was no legal requirement for hard copies to be made available.

Councillor Robert Alden referred to delegations to Chief Officers paragraphs 3.2 ix and 3.3 on page 30 of 312 and welcomed the addition of the word 'together' in ix when referring to the Chief Executive and Chief Finance Officer. He continued by suggesting whether it should also be in consultation with or with the agreement of the Leader of the Council. The Chair indicated that he was willing to accept that. Suzanne Dodd, City Solicitor, felt that the Leader would be consulted many times which may prove overwhelming.

The Chair indicated that the remaining issue to pick up was the declaration of gifts that are refused by Members of the Council. He noted that this issue had been discussed some time ago when the provision was changed so that Members did not have to declare such gifts and he remained of the view that that should continue.

Councillor Robert Alden queried whether there was any legal requirement for that and whether the Standards Committee had sent it on to this Committee with an open mind or with any steer. He felt that to declare refused gifts made it look as if there was something that was not there and open to manipulation. Councillors Mike Ward and Carl Rice agreed with Councillor Alden's comments with Councillor Rice adding that the Councillors on Standards Committee had voted for it.

Suzanne Dodd, City Solicitor, explained that legally the Council did not have to incorporate it and had come through from the Local Government Association

Model Code of Conduct which could be adopted in full or in part or not at all. Robert Connelly, Assistant Director Governance confirmed that the issue had been fully debated at Standards Committee and that it was for the City Council to decide.

In concluding the debate the Chair noted that, whilst representatives from the three groups on the City Council felt the issue of the declaration of refused gifts should not be included, the changes to the Constitution and the Members Code of Conduct should go forward as set out in the report and addendum report

It was-

3105

RESOLVED:-

- (i) That this Committee agrees the proposed amendments set out in Appendix 1 of report, and in the tracked change version of the Constitution (Appendix 2 of the report) together with the changes in the addendum report relating to the Members Code of Conduct and Licensing Sub Committees, and present these for approval at Full Council on 25th May 2021.
- (ii) That this Committee agrees a second recommendation to Full Council, that the City Solicitor be authorised to make in-year changes to the Constitution to reflect variations in the senior officer structure, in line with decisions made by the Council Business Management (Chief Officer and Deputy Chief Officer Appointments, Dismissals And Service Conditions Sub-) Committee – JNC Core Panel. This would be in addition to the existing authority to make minor in-year changes.

PROPORTIONALITY

The following report of the City Solicitor was submitted:-

(See document No 5)

Phil Wright, Committee Manager, made introductory comments relating to the report and noted that, following feedback, future reports on Proportionality would be clearer.

It was-

3106

RESOLVED:-

- (i) That the report be noted; and
 - (ii) that proportionality principles are not applied to Council Business Management Committee and Standards Committee.
-

CITY COUNCIL APPOINTMENTS

The following report of the City Solicitor was submitted:-

(See document No 6)

In response to a comment from Councillor Robert Alden, Councillor Mike Ward Confirmed that his group was meeting on Wednesday 19 May following which he would be able to advise which committees the Liberal Democrat Group were relinquishing seats on.

It was-

3107

RESOLVED:-

That nominations be submitted to the next meeting of City Council of representatives to serve on the bodies detailed in Appendix B to the report.

CITY COUNCIL AND CBM FORWARD PLAN

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

(See document No 7)

It was-

3108

RESOLVED:-

That the City Council and CBM Forward Plan be noted.

DRAFT AGENDA FOR CITY COUNCIL ANNUAL MEETING ON 25 MAY 2021

The following draft agenda was submitted:-

(See document No 8)

Suzanne Dodd, City Solicitor, indicated that she wanted to raise the issue of the venue for the Annual meeting. She explained that the Council Chamber was limited to 34 people under Covid restrictions which included Members, officers and members of the public. Officers had looked at a range of alternative venues and the Edgbaston Stadium banqueting suite could hold 140 people and cost £9,000 inclusive of VAT and webcasting. She advised that the Town hall could hold 105 people also at a cost of £9, 000 but without webcasting which Civico may be able provide. The June City Council meeting would also need to be considered and the options for that included pushing the date of the meeting back to October or have an alternative informal meeting to deal with questions and Motions only.

The Chair indicated that it was his view that the Annual Meeting should be held in the Chamber with the quorum of 30 members agreed by the 3 parties and the June meeting be held in October. He suggested that an informal meeting could be held on-line in June to deal with oral and written questions and Motions which he undertook to ensure the Executive would act upon.

Councillor Robert Alden queried under what restrictions the capacity of various venues had been assessed on because as from the 17 May the advice to local authorities was that meetings should take place under the guidance for small sports venues. He also noted that the City Council also owned a couple of large lecture halls at Thinktank. His group were keen to know what was happening from June going forward and, whilst the arrangements for a quorum of 30 was acceptable for the Annual meeting, they did not want such arrangements to be used for other Council meetings.

Councillor Mike Ward indicated that his group had mixed views on having a meeting with 30 members. He continued that there was no 'Lord Mayor's Announcements' item on the agenda for the Annual meeting and noted that members of his group would wish to pay respects to their colleague former Councillor Gwyn Neilly who had passed away recently. It was noted that there was such an item on the agenda. He continued that he too had reservations about the proposed arrangements to be used for the Annual meeting going forward for meetings in the future. He also questioned whether a hybrid meeting could not be held

Councillor Brigid Jones noted that any meeting would have to be safe and that several Councillors had chosen to continue to shield because of health issues. Also, there were a number of the population, mainly young people who had not yet been vaccinated so some younger Councillors did not have the confidence to come into meetings. Additionally, travelling to the venue was also an issue with a lack of confidence on the use of public transport and the reliance on others to observe mask wearing rules. Councillor Jones commented on the need to consider access and egress to the meeting room as well. She concluded by indicating her preference for the annual meeting to be held in the Council Chamber with 30 Members present. She did not believe spending money on external venues was the correct thing to do at this difficult time.

Suzanne Dodd, City Solicitor, confirmed that if person was not physically present at a meeting then they would not be able to participate. So even if the City Council had the technology to hold remote meetings then those Councillors not present would not be able to vote or be included in a quorum. They would not count for attendance in respect of the 'six-month rule'. She continued that the Thinktank had been looked at, but the capacity was only a hundred people. The Chamber was classed as a place of work under the legislation and the government advice is to work at home if you can. Following the recent Court case relating face to face meetings such meetings cannot be held virtually and therefore cannot be held by working at home. Meeting venues must be risk assessed under the 1974 Health and Safety Act to ensure meeting are safe for

those attending. The City Solicitor emphasised that all meetings after the 21 June when restrictions were lifted were being planned as normal. In response to further comments from Councillor Robert Alden, the City Solicitor confirmed that the capacity of the Chamber had been agreed under Health and Safety guidance to keep people attending safe. The other venues had given their capacities knowing the meeting would be after the 17 May 2021. Councillor Robert Alden noted the work from home instruction had been lifted.

During further debate it was agreed to:-

- Hold the Annual Meeting of the City Council on the 25 May 2021 in the Council Chamber with 30 Councillors whose attendance to be agreed on a proportional basis and issues relating to the incoming Lord Mayor's Consort would be resolved outside this meeting.
- Move the June City Council meeting to 22 June 2021 so that it is a normal meeting and officers to have an alternative plan in place if the restrictions were not lifted on the 21 June 2021.
- To move the City Council meeting on the 6 July to either 13 or 20 July and the Groups to advise officers of the preferred choice.
- Have tributes to those former Councillors etc that had not been made due to meetings of the City Council being held on-line at the June meeting subject to any further comments from the groups.

3109

RESOLVED:-

- (i) That the draft agenda be noted;
- (ii) That the various meeting arrangements set out in the bullet points of the preamble.

LOCAL GOVERNMENT ASSOCIATION ANNUAL CONFERENCE

It was noted that it should be established why the costs were so high for a virtual Conference and names would be forwarded in due course

3110

RESOLVED:-

That 5 Councillors (3-1-1) be appointed to join the Local Government Association Annual Conference to be held virtually from 6 July to 8 July 2021.

DATE OF NEXT MEETING

3111

RESOLVED:-

That it be noted that the next meeting of the Committee is scheduled to take place on Tuesday 1 June at 1400 hours.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following matter could be considered as a matter of urgency in view of need to expedite consideration thereof and instruct officer if necessary:-

Civic/Ceremonial Cross-Party Working Group

Following nominations it was-

3112

RESOLVED:-

That Councillors Robert Alden, Yvonne Mosquito, Carl Rice, Paul Tilsley and Ian Ward be appointed to the Civic/Ceremonial Cross-Party Working Group.

(Please note that Councillor Paul Tilsley was nominated outside of the meeting but included here for ease of reference)

AUTHORITY TO CHAIR AND OFFICERS

3113

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.

The meeting ended at 1452 hours.

.....
CHAIR