COUNCIL BUSINESS MANAGEMENT COMMITTEE

TUESDAY, 29 MAY 2018 AT 14:00 HOURS
IN COMMITTEE ROOM 6, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

AGENDA

1 **NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **APPOINTMENT OF COMMITTEE**

To note a resolution of the City Council passed at the Annual Meeting on 22 May 2018 appointing the Council Business Management Committee and Chair for the Municipal Year 2018/2019.

3 **ELECTION OF DEPUTY CHAIR**

To elect a Deputy Chair for the Municipal Year 2018/19.

4 <u>DECLARATIONS OF INTERESTS</u>

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

5 APOLOGIES

To receive any apologies.

5 - 8 TERMS OF REFERENCE OF COUNCIL BUSINESS MANAGEMENT COMMITTEE

To note the Terms of Reference of the Committee.

7 MINUTES

To confirm and sign the Minutes of the last meeting.

Minutes to follow.

8 <u>DISSOLUTION OF THE WEST MIDLANDS JOINT COMMITTEE</u>

Report of the City Solicitor.

Report to follow.

9 AMENDMENTS TO THE MEMBER'S ALLOWANCE SCHEME

Report of the City Solicitor.

Report to follow.

9 - 16 APPOINTMENT OF SUB-COMMITTEES AND OTHER BODIES

Report of the City Solicitor.

17 - 18 REQUEST TO USE THE COAT OF ARMS

Report of the City Solicitor.

12 ORDER OF NOTICES OF MOTION AT FUTURE CITY COUNCIL MEETING

To agree the order in which Notices of Motion will be considered at City Council Meetings.

21 - 24 COUNCIL AGENDA FOR NEXT MEETING

To consider the Council agenda for the next meeting.

For information the order of Notices of Motion at this meeting will be Conservative, Liberal Democrat and Labour.

14 <u>COUNCIL BUSINESS MANAGEMENT COMMITTEE DATES FOR</u> 2018/2019

It is proposed that meetings of this Committee be held on Mondays at 1400 hours except where specified as follows:-

2018	2019
25 June	21 January
28 August (Tuesday)	11 February

22 October	18 March
19 November	7 May (Tuesday)
17 December	

15 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

16 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

Terms of Reference

THE COUNCIL BUSINESS MANAGEMENT COMMITTEE

The purpose of the Business Management Committee is to support the Council's non-executive functions as delegated by Full Council, and in particular:

(a) Meetings of the full Council

- (i) be responsible for the planning and preparation of the agenda, papers and other arrangements for meetings of the Council.
- (ii) submit recommendations to the Council concerning the appointment of committees and other bodies and their functions and membership.

(b) Council Appointments to Outside Bodies

To submit recommendations to the Council as to the appointment or nomination of persons to serve on outside bodies. In cases of urgency to make appointments or nominations, subject to reporting the details to the next Council meeting for information.

(c) Civic/Ceremonial

To submit recommendations to the Council as to the conferment of rights and privileges (Honorary Alderman, Freedom of the City) and to consider and determine applications to use the City's Coat of Arms.

(d) Constitutional Matters

To keep the Council's Constitutional arrangements under review and to approve any in year minor changes relating to the non-Executive arrangements of the Constitution, and to submit recommendations to the Council as to major changes to the Constitution and the adoption of new or amended Standing Orders.

(e) Members' Services and Allowances

- (i) To be accountable for all aspects of services to Members.
- (ii) To keep under review the Council's Allowances Scheme and all other matters relating to Members' allowances.
- (iii) To oversee the Council's relationship with the Independent Remuneration Panel and to submit recommendations to the Council both as to the operation and membership of the Panel and as to amendments to the Allowances Scheme.

(f) Electoral Matters, Parish Councils & Boundary Changes

- (i) To discharge the Council's various electoral duties under the Representation of the People Acts.
- (ii) To discharge the Council's functions, in relation to parishes and parish councils, under Part II of the Local Government & Rating Act 1997 and related Local Government legislation.
- (iii) To discharge the Council's functions under Part IV of the Local Government Act 1972 and Part II of the Local Government Act 1992 (relating to boundary reviews and alterations) and related Local Government legislation.

(g) Financial & other Matters

- (i) To consider any recommendations from the Audit Committee relating to the discharge the Council's duty, under the Accounts & Audits Regulations 1996.
- (ii) To discharge the Council's functions, relating to pensions, under the Superannuation Acts.
- (iii) To authorise the making of payments, under Section 92 of the Local Government Act 2000, on account of maladministration.
- (iv) Foreign travel by Members and Officers of the Council will be reported on a quarterly basis.

(h) Terms and Conditions of Employment

- (i) Holding management to account for implementing agreed terms and conditions of employment of staff.
- (ii) Agreeing any changes to terms and conditions of employment (the Birmingham Contract).
- (iii) Holding management to account for the effective consultation and negotiation with employees and representatives of regional and national bodies in connection with terms and conditions of employment.

The following Sub-Committees of the Council Business Management Committee are approved for the current Municipal Year:

- Miscellaneous Appeals Sub-Committee to determine non-personnel appeals and reviews.
- Education Awards

- · Election Matters Members Forum
- · Lord Mayor's Advisory Group
- Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions
- · Personnel Appeals
- · Local Authority School Governor Nomination Committee

The Sub-Committee for Chief Officers (Officers reporting to the Chief Executive) and Deputy Chief Officers (Officers reporting to Chief Officers) shall comprise the Leaders of the three main political parties (or their nominees), and two other members subject to the proportionality rules.

PUBLIC REPORT

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	CITY SOLICITOR
Date of Decision:	29 MAY 2018
SUBJECT:	APPOINTMENT OF SUB-COMMITTEES AND OTHER
	BODIES
Wards affected:	All

1. Purpose of report:

- 1.1 To seek the instructions of the Committee in relation to the appointment and functions of Sub-Committees and other bodies.
- 1.2 To appoint Councillors to serve on the bodies.

2. Decision(s) recommended:

- 2.1 That the Sub-Committees and other bodies detailed in the Appendix to the report be appointed for the Municipal Year 2018/19.
- 2.2 That Councillors be appointed to serve on the Sub-Committees and other bodies detailed in the Appendix to the report for the Municipal Year 2018/19.

Contact Officer:	Phil Wright
Telephone No:	0121 675 0216
E-mail address:	Phil.Wright@birmingham.gov.uk

Signature:	
Chief Officer(s):	
Dated:	

List of Background Documents used to compile this Report:	

3 Background:

3.1 Appointments to Sub Committees with the exception of the Lord Mayor's Advisory Board and the Election Matters Members Forum have historically been subject to proportionality rules.

APPOINTMENT OF SUB-COMMITTEES AND OTHER BODIES

A. EDUCATION AWARDS (REVIEW) SUB-COMMITTEE

The Committee is requested to appoint the above Sub-Committee with the following Functions:-

To review and determine appeals against the decisions of the Strategic Director of Children, Young People and Families in respect of arrangements for the home/school transport of pupils

The Committee is requested to appoint the Chair and Members to the Sub-Committee as follows:-

5 Members (3 Lab, 1 Con, 1 Lib Dem); Quorum is 3 Members

<u>2017/2018</u>		<u>2018/2019</u>	
Cllr Barry Bowles Cllr Chauhdry Rashid Cllr Julie Johnson Cllr Matt Bennett Cllr Morriam Jan	(Lab) (Chair) (Lab) (Lab) (Con) (Lib Dem)	CIIr CIIr CIIr CIIr CIIr	(Lab) (Lab) (Lab) (Con) (Lib Dem)
		with	as Chair

Note: Membership not to include the Chair of the Learning, Culture and Physical Activity Overview and Scrutiny Committee.

B. <u>MISCELLANEOUS APPEALS SUB-COMMITTEE</u>

The Committee is requested to appoint the above Sub-Committee with the following Functions:-

- To consider any appeal under the Rules and Regulations for the Operation of the Retail Markets.
- 2. To consider any other appeal(s) that are not covered by any of the other Committees or Sub-Committees of the City Council.

The Committee is requested to appoint the Chair and Members to the Sub-Committee as follows:-

5 Members (3 Lab: 1 Con: 1 Lib Dem) Quorum is 3 Members

2017/2018		2018/2019		
Cllr Alex Buchanan Cllr Nawaz Ali Cllr Marje Bridle Cllr Timothy Huxtable Cllr Carol Jones	(Lab) – Chair (Lab) (Lab) (Con) (Lib Dem)	CIIr CIIr CIIr CIIr CIIr		(Lab) (Lab) (Lab) (Con) (Lib Dem)
29052018 CBM Appointments		with Cllr - 3 -	as Chair	

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C. ELECTION MATTERS MEMBERS FORUM

The Committee is requested to appoint the above Forum with the following Functions:-

- 1. To recommend further improvements to the Elections Office and/or the Elections processes;
- 2. To be consulted over relevant consultation papers relating to the Elections Process;
- 3. To discuss issues that the Returning Officer may wish to raise with the Members Forum

The Committee is requested to appoint the Chair and Members to the Sub-Committee as follows:-

7 Members (4 Lab, 2 Con, 1 Lib Dem) (out of proportionality rules) Quorum is 3 Members

2018/2019

2011/2010		2010/2010	
Cllr Ian Ward	(Lab) (Chair)	Cllr	(Lab)
Cllr Brigid Jones	(Lab)	Cllr	(Lab)
Cllr Diane Donaldson	(Lab)	Cllr	(Lab)
Cllr Waseem Zaffar	(Lab)	Cllr	(Lab)
Cllr Robert Alden	(Con)	Cllr	(Con)
Cllr Timothy Huxtable	(Con)	Cllr	(Con)
Cllr Jon Hunt	(Lib Dem)	Cllr	(Lib Dem)
		with Olle	ac Chair

with Cllr as Chair

D. LORD MAYOR'S ADVISORY GROUP

The Committee is requested to appoint the above Sub-Committee with the following purpose, and membership:-

Purpose

2017/2018

- 1. To act as a sounding board to the Lord Mayor at the request of the Lord Mayor on Civic and Mayoral matters;
- 2. To provide guidance on protocol matters as necessary;
- 3. To review Civic functions as necessary; and
- 4. To advise on the appropriateness of Parlour arrangements.

<u>Membership</u>

- The Deputy Lord Mayor;
- 2. The three next immediate past Lord Mayors who are current Councillors; and
- The three Group Secretaries.

Quorum is 3 Members

2017/2018 2018/2019

Cllr Chauhdry Rashid
Cllr Shafique Shah (Chair)
Cllr Mike Leddy
Cllr John Lines
Cllr Shafique Shah
Cllr Shafique Shah
Cllr Mike Leddy
Cllr Diane Donaldson
Cllr Martin Straker Welds
Cllr Gareth Moore
Cllr Mike Ward
Cllr Mike Ward

E. <u>CHIEF OFFICER AND DEPUTY CHIEF OFFICER APPOINTMENTS,</u>
DISMISSALS AND SERVICE CONDITIONS SUB-COMMITTEE

The Committee is requested to appoint the above Sub-Committee with the following Functions:-

To consider and determine the form of the employment contracts and other
Terms and Conditions (including related structural issues) for the Chief and Deputy
Chief Officer Posts as defined in the Constitution of the City Council.

with Cllr

as Chair

- 2. To be responsible for making appointments to all posts falling within 1 above and to recommend to the Council the appointment of the Chief Executive.
- To deal with all termination and disciplinary arrangements relating to Chief Officer and Deputy Chief Officer posts (including early retirement and the award of added years).

The Committee is requested to appoint the Chair and Members to the Sub-Committee as follows:-

The Leaders of the three main political parties (or their nominees), two other members subject to the proportionality rules and the Chief Executive as an advisor. Quorum is 5 Members

<u>2017/2018</u> <u>2018/2019</u>

Cllr Ian Ward	(Lab) (Chair)	Cllr lan Ward	(Lab)
Cllr Brigid Jones	(Lab)	Cllr Brigid Jones	(Lab)
Cllr	(Lab)*	Cllr	(Lab)*
Cllr Robert Alden	(Con)	Cllr Robert Alden	(Con)
Cllr Jon Hunt	(Lib Dem)	Cllr Jon Hunt	(Lib Dem)

*To be appointed dependent on the Directorate to which the post relates.

*To be appointed dependent on the Directorate to which the post relates.

with Cllr Ian Ward as Chair

F. PERSONNEL APPEALS (DISMISSALS) SUB-COMMITTEE

The Committee is requested to appoint the above Sub-Committee with the following Functions:-

1. To consider, with Delegated Power the appeals relating to the Dismissal of Council managed employees.

(the process to be followed by appellants shall be as laid down on the People Solutions website and in accordance with City Council's policy with no appeals being submitted direct to this body without first exhausting the prescribed HR process).

- 2. In hearing an appeal, the Sub-Committee shall not have the power to award financial compensation to any appellant.
- 3. The Sub-Committee shall have the right to determine whether appeals shall be dealt with, where appropriate, by means of written representations.
- 4. All meetings of the above Sub-Committee must be chaired by one of the three appointed Chairs of the Sub-Committee and a Quorum for the full Sub-Committee or an individual Panel hearing an appeal shall be 3. No appeal may be heard in the absence of a Quorum.
- 5. To authorise the Chair of the Sub-Committee or any Member thereof to give evidence at any Employment Tribunal should they be required to do so.
- 6. To recommend to the Council Business Management Committee and oversee any appropriate training and guidance being given to Members and Officers, as necessary, on how to manage Personnel Appeals.
- To recommend to the Council Business Management Committee any appropriate or desirable improvements for dealing with the effective and efficient administration of future Personnel Appeals arising from case hearings.
- 8. To make any other recommendations to the Council Business Management Committee.

The Committee is requested to appoint the Chairs and Members to the Sub-Committees as follows in accordance with proportionality requirements

11 Members (7 Lab, 3 Con, 1 Lib Dem)

<u>2017/2018</u>		<u>2018/2019</u>	
Cllr Lynda Clinton	(Lab)	Cllr	(Lab)
Cllr Des Hughes	(Lab)	Cllr	(Lab)*
Cllr Mahmood Hussain	(Lab)	Cllr	(Lab)*
Cllr Marian Khan	(Lab)	Cllr	(Lab)
Cllr Mike Leddy	(Lab)*	Cllr	(Lab)*
Cllr Fiona Williams	(Lab)*	Cllr	(Lab)
Cllr	(Lab)	Cllr	(Lab)
Cllr Randal Brew	(Con)	Cllr	(Con)
Cllr Margaret Waddington	(Con)	Cllr	(Con)
Cllr Maureen Cornish	(Con)	Cllr	(Con)
Cllr Mike Ward	(Lib Dem)	Cllr	(Lib Dem)
*Chairs		*Chairs.	

G. COMMONWEALTH GAMES MEMBER ADVISORY BOARD

The Committee is requested to appoint the above Advisory Board with the Terms of Reference as agreed by the Board and to make recommendations to Cabinet.

The Committee is requested to appoint the Chair and Members to the advisory Board as follows:-

8 Members (5 Lab, 2 Con, 1 Lib Dem)

2017/2018		2018/2019	
Cllr Ian Ward Cllr Brigid Jones Cllr Stewart Stacey Cllr Mariam Khan Cllr Sharon Thompson Cllr Randal Brew Cllr Alex Yip Cllr Jon Hunt	(Lab) (Lab) (Lab) (Lab) (Lab) (Con) (Con) (Lib Dem)	Cllr Ian Ward Cllr Brigid Jones Cllr Waseem Zaffar Cllr Peter Griffiths Cllr Lucy Seymour-Smith Cllr Cllr	(Lab) (Lab) (Lab) (Lab) (Lab) (Con) (Con) (Lib Dem)
	` '		` '

H. COUNCIL HOUSE CROSS PARTY WORKING GROUP

The Committee is requested to appoint the above Working Group to act as a review group in relation to the proposed works to the Council House complex.

The Committee is requested to appoint the Chair and Members to the advisory Board as follows:-

5 Members (3 Lab, 1 Con, 1 Lib Dem)

2047/2040

2017/2016		2018/2019	
Cllr Ian Ward	(Lab)	Cllr Ian Ward	(Lab)
Cllr Brigid Jones	(Lab)	Cllr Brigid Jones	(Lab)
Cllr Nagina Kauser	(Lab)	Cllr Nagina Kauser	(Lab)
Cllr Robert Alden	(Con)	Cllr	(Con)
Cllr Paul Tilsley	(Lib Ďem)	Cllr	(Lib Dem)

2040/2040

PUBLIC REPORT

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	CITY SOLICITOR
Date of Decision:	29 MAY 2018
SUBJECT:	REQUEST FOR THE USE OF THE COAT OF ARMS
Wards affected:	All

1.	Purpose	of report
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1.1 To consider an application by John Brophy and Roy Shortfor the use of the Coat of Arms on Social Media and at charity events.

2. Decision(s) recommended:

2.1 The Committee is asked to determine the application.

Contact Officer:	Phil Wright
Telephone No: E-mail address:	0121 675 0216 phil.wright@birmingham.gov.uk

Signature:	
Chief Officer(s):	
Dated:	

List of Backgroun	d Documents	used to	compile	this	Report:
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Email from John Brophy and Roy Short

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List of Appendices:

none

3. Relevant background/chronology of key events:

Request for the Use of the Coat of Arms by John Brophy and Roy Short

3.1 A request has been received from John Brophy and Roy Short to use the Coat of Arms. They have become known as the Birmingham Peaky Blinders as they dress in the complete attire of the characters from the TV series and are part the Birmingham tours group promoting Birmingham. They also have taken part in several charity events. They have requested that they as Birmingham Peaky Blinders be allowed to use the Birmingham Coat of Arms to promote not only Birmingham tours but the City itself on their social media and at charity events.

BACKGROUND IN RESPECT OF THE USE OF THE BIRMINGHAM COAT OF ARMS

3.2 Section 73 of the West Midlands County Council Act 1980 provides that –

"If any person without the consent of the local authority uses in connection with any trade, business, calling or profession any part of the armorial bearings of that authority, or any emblem or device closely resembling any such part, in a manner calculated to lead to the belief that he displays the part, emblem or device with the approval of that local authority, he may at the suit of the local authority be restrained by an injunction from continuing to use that part, emblem or device."

- 3.3 The Coat of Arms is a dignity granted by Royal Charter and, as such, is not a property right. The Council cannot therefore license or authorise its use (by others) as such. All that the Council can do is to indicate whether it has any objection to its use. If the Council has no objection, then it would be safe to assume that it will not seek to restrain the use by way of an injunction.
- 3.4 The Committee's normal practice has been to indicate that the Council would object to the use of the Coat of Arms except on materials sponsored or produced by, or closely associated with, the Council or in other special circumstances.

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ORDER OF "NOTICES OF MOTION" AT FUTURE CITY COUNCIL MEETINGS

Members will recall that in previous years an informal arrangement in respect of alternating the order in which "Notices of Motion" (Motions for Debate from Individual Members under Standing Order 4 (1) are considered at City Council Meetings has been in operation.

If the same arrangement is adopted the order for the Municipal Year 2018/2019 would be as follows:-

Council Date	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>Deadline*</u>	
12 June 2018	Con	Lib Dem	Lab	31 May 2018	
10 July 2018	Lab	Con	Lib Dem	28 June 2018	
11 September 2018	Lib Dem	Lab	Con	30 August 2018	
6 November 2018	Con	Lib Dem	Lab	25 October 2018	
4 December 2018	Lab	Con	Lib Dem	22 November 2018	
15 January 2019	Lib Dem	Lab	Con	3 January 2019	
5 February 2019	Con	Lib Dem	Lab	24 January 2019	
26 February 2019	Budget Meeting				
(No Notices of Motion)					
2 April 2019	Lab	Con	Lib Dem	21 March 2019	
22 May 2019	Annual Meeting				
(No Notices of Motion)					

^{*} Deadline for submission of Notices of Motion - 7 clear working days before City Council.

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CITY COUNCIL

Tuesday, 12 June 2018 at 1400 hours in The Council Chamber, Council House, Birmingham

AGENDA

1 NOTICE OF RECORDING

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 <u>DECLARATION OF INTERESTS</u>

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting

Attached 3 MINUTES

To confirm and authorise the signing of the Minutes of the extraordinary meeting of the Council held on 22 May 2018.

To confirm and authorise the signing of the Minutes of the annual meeting of the Council held on 22 May 2018.

(1400-1410) 4 LORD MAYOR'S ANNOUNCEMENTS

To receive the Lord Mayor's announcements and such communications as the Lord Mayor may wish to place before the Council.

(1410-1425) **5 PETITIONS**

(15 minutes allocated)

To receive and deal with petitions in accordance with Standing Order 8.

As agreed by Council Business Management Committee a schedule of outstanding petitions is available electronically with the published papers for the meeting and can be viewed or downloaded.

(1425-1555) **6 QUESTION TIME**

(90 minutes allocated)

To deal with oral questions in accordance with Standing Order 9(B)

- A. Questions from Members of the Public to any Cabinet Member, Assistant Leader, District Committee Chairman or Ward Forum Chairman (20 minutes)
- B. Questions from any Councillor to a Committee Chairman, Lead Member of a Joint Board or Ward Forum Chairman (20 minutes)
- C. Questions from Councillors other than Cabinet Members and Assistant Leaders to a Cabinet Member or Assistant Leader (25 minutes)
- D. Questions from Councillors other than Cabinet Members and Assistant Leaders to the Leader or Deputy Leader (25 minutes)

Attached 7 APPOINTMENTS BY THE COUNCIL

(5 minutes allocated)

(1555-1600) To make appointments to, or removals from, committees, outside bodies or other offices which fall to be determined by the Council.

8 EXEMPTION FROM STANDING ORDERS

Councillor Diane Donaldson to move an exemption from Standing Orders.

Attached 9 DISSOLUTION OF WEST MIDLANDS JOINT COMMITTEE

(30 minutes allocated)

(1600-1630) To consider a report Council Business Management Committee.

The Leader Councillor Ian Ward to move the following Motion:

""

(break 1630 -1700)

Attached 10 AMENDMENTS TO THE MEMBERS' ALLOWANCE SCHEME

(30 minutes allocated)

(1700-1730) To consider a report Council Business Management Committee.

The Leader Councillor Ian Ward to move the following Motion:

" "

It is to be confirmed whether this to come to City Council.

Attached 11 MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

(90 minutes allocated)

(1730-1900) To consider the attached Motions of which notice has been given in accordance with Standing Order 4(A).

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