

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

COUNCIL BUSINESS MANAGEMENT COMMITTEE

TUESDAY, 28 JULY 2015 AT 12:00 HOURS
IN HMS DARING ROOM, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

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 **APOLOGIES**

To receive any apologies.

3 **MINUTES**

To confirm and sign the Minutes of the last meeting.

4 **CITY COUNCIL APPOINTMENTS**

Independent Remuneration Panel

To make a recommendation to City Council that the following be appointed to the Independent Remuneration Panel.

Appointee

Subat Khan

.....
.....

Term of Office

15 September - 31 August 2016

.....
.....

5 **COUNCIL AGENDA FOR THE NEXT MEETING**

To Consider the Council agenda for the next meeting.

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

3 - 8

9 - 10

11 - 34

6 **REVIEW OF THE CITY COUNCIL'S CONSTITUTION**

Report of the Director of Legal and Democratic Services

7 **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.

35 - 38

7a **OTHER URGENT BUSINESS - REQUEST FOR THE USE OF THE COAT OF ARMS**

Report of the Director of Legal and Democratic Services

8 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

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

BIRMINGHAM CITY COUNCIL

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| COUNCIL BUSINESS MANAGEMENT COMMITTEE 23 JUNE 2015 |
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MINUTES OF A MEETING OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE HELD ON TUESDAY 23 JUNE 2015 AT 1200 HOURS, IN COMMITTEE ROOM 2, THE COUNCIL HOUSE, BIRMINGHAM

PRESENT:

Councillor Sir Albert Bore in the Chair;

Councillors Deirdre Alden, Mohammed Idrees, Hendrina Quinnen, Valerie Seabright, Anne Underwood, Ian Ward and Mike Ward.

NOTICE OF RECORDING

- 2399 The Chair advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items

APOLOGIES

- 2400 Apologies for non-attendance were submitted on behalf of Councillor Robert Alden and it was noted that Councillor Deirdre Alden was in attendance as his nominee.

APPOINTMENT TO THE COMMITTEE

- 2401 To note a resolution of the City Council appointing Councillor Mike Ward to the Committee for the remainder of the Municipal Year 2015/2016 in place of Councillor Paul Tilsley.

MINUTES

- 2402 The public part of the Minutes of the last meeting held on 26 May 2015 was noted.

UPDATE ON SUPPORT ARRANGEMENTS FOR COMMUNITY GOVERNANCE

The following report of the Service Director, Localisation and the Director of Legal and Democratic Services was submitted:-

(See document No 1)

Ifor Jones, Service Director Localisation made introductory comments relating to the report. He noted that continued support would be given to the Sutton Coldfield Wards meeting in the near future to discuss governance issues. In response to further questions from Members, he highlighted the evolving nature of developing the way the needs of future Ward level meetings were met.

During further discussion, in response to comments from Councillor Anne Underwood, the Chair requested that Article 10 of the Constitution relating to District and Ward Committees/Forums be amended to reflect the appointment of Ward Chairs. Councillor Mike Ward, in acknowledging his previous unease at the changes to the governance arrangements around Districts and Wards, explained that, given the financial constraints the City Council was under, he was willing to participate in discussion of future arrangements. However he could not support recommendation 2.1 as he did not agree that meetings of Districts Committees be held centrally.

The Head of Committee and Member Services responded to a query from Councillor Mike Ward relating to email alerts on CMIS.

2403

RESOLVED:-

- (i) That the arrangements for the administration and management of District Committee and Ward Committee/Forum meetings be approved;
- (ii) that the standard agenda templates for District Committee Meetings and Ward Committee/Forum meetings be approved;
- (iii) that further development of the Ward Action planner/Tracker (Appendix 1 attached) be approved; and
- (iv) that the Community Governance Review group will receive a report setting out guidance for District Committees and Ward Committee/Forums prior to submission to Cabinet for agreement.

(Councillor Mike Ward wished to be recorded as having vote against part (i) of the above resolution)

CITY COUNCIL APPOINTMENTS

The following report of the Director of Legal and Democratic Services was submitted:-

(See document No 2)

Following nominations it was-

2404

RESOLVED:-

That City Council is recommended to make the following appointments to serve on the following Committees:-

Standards Committee

New Frankley in Birmingham Parish Council Members

Councillor Eric Carter
Councillor Gareth Griffiths

ITA Overview and Scrutiny Joint Committee

Birmingham to nominate to West Midlands Joint Committee 1 Labour representative and 1 Lib Democrat representative to serve on ITA Overview and Scrutiny Joint Committee, along with a named substitute for each.

| Member | Substitute |
|----------------------------------|---------------------|
| Cllr John O'Shea (Labour) | Cllr Claire Spencer |
| Cllr Jon Hunt (Liberal Democrat) | Cllr |

COUNCIL AGENDA FOR THE NEXT MEETING

The following draft agenda was submitted:-

(See document No 3)

It was-

2405

RESOLVED:-

That the draft agenda be noted.

PETITIONS UPDATE

The following report of the Director of Legal and Democratic Services was submitted:-

(See document No 4)

2406

RESOLVED:-

That the report be noted;

DATE OF NEXT MEETING

2407

RESOLVED:-

That it be noted that the next meeting will be held on Tuesday 28 July at 1200 hours.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following items should be considered as matters of urgency in view of the need to expedite consideration thereof and to instruct officers if necessary:-

A. Temporary Appointment to Position of Acting Strategic Director Place

The following report of the Chief Executive was submitted:-

(See document No 5)

The Director of Legal and Democratic Services, made introductory comments relating to the report.

The Chair commented that there was a possibility that the Chief Officer Appointments, Dismissals and Service Conditions Sub-Committee would have to meet in September to consider issues within the Economy Directorate. In respect to the forthcoming meeting Councillors Ian Ward and Lisa Trickett would sit. It was further noted that a nominee would be advised for Councillor Robert Alden. (Councillor Anne Underwood was subsequently nominated)

2408

RESOLVED:-

- (i) That agreement be given for the immediate initiation of an internal recruitment process to appoint an Acting Director of Place Directorate which is open to all existing appropriately experienced and qualified Council officers to apply. This appointment to be for a maximum of 12 months;
- (ii) that it be noted that following consultation with the Chair of the Committee in the interests of expediency and to ensure a smooth handover with the departing Strategic Director that the initial invitation to apply process has commenced;
- (iii) that a meeting of the Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions Sub-Committee has been arranged for 26/06/15 to undertake the selection process to appoint an Acting Director of Place Directorate; and
- (iv) that it be noted that in the next three months the Chief Executive will bring a report to CBM outlining proposals for the future long term senior leadership requirements for the Place Directorate and how these can be best addressed.

B. Request for the use of the Coat of Arms

The following report of the Director of Legal and Democratic Services was submitted:-

(See document No 6) Page 6 of 38

Members of the Committee expressed support for the request.

2409

RESOLVED:-

That the Committee notes the action taken by the Director of Legal and Democratic Services in consultation with the Chair in not objecting to the use the Coat of Arms by Denis Ramplin, Director of Marketing & Communications, The Schools of King Edward VI on an owl artwork.

AUTHORITY TO CHAIR AND OFFICERS

2410

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.

EXCLUSION OF THE PUBLIC

2411

RESOLVED:-

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Agenda Item etc

**Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972**

Minutes of the last meeting

3

PRIVATE

MINUTES

2412

The minutes of the private part of the last meeting held on 26 May, 2015 were noted and the minutes as a whole were confirmed and signed by the Chair.

The meeting ended at 1232 hours.

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CHAIR

Reminder: Members must declare all relevant pecuniary and/or non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

CITY COUNCIL

**Tuesday, 15 September 2015 at
1400 hours in The Council
Chamber, Council House,
Birmingham**

A G E N D A

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.

The whole of the meeting will be filmed except where there are confidential or exempt items.

Attached 2 MINUTES

To confirm and authorise the signing of the Minutes of the Annual Meeting of the Council held on 7 July 2015.

(1400-1410) 3 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) 4 PETITIONS (15 minutes)

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) 5 QUESTION TIME (90 minutes)

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

A. Questions from Members of the Public to any Cabinet member or District Committee Chairman (20 minutes)

B. Questions from any Councillor to a Committee Chairman or Lead Member of a Joint Board (20 minutes)

- C. Questions from Councillors other than Cabinet members to a Cabinet member (25 minutes)
- D. Questions from Councillors other than Cabinet members to the Leader or Deputy Leader (25 minutes)

Attached **6** **APPOINTMENTS BY THE COUNCIL (5 minutes)**

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

7 **EXEMPTION FROM STANDING ORDERS**

Councillor Valerie Seabright to move an exemption from Standing Orders.

Attached **8** **REPORTS OF THE ????? (30 Minutes)**

(1600-1615) **A. Community Governance Review**

Councillor ????? to move the following Motion:

“ ”

B. Towards a Combined Authority

(1615-1630) **Councillor ????? to move the following Motion:**

“ ”

(1630-1645 break)

Attached **9** **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES (60 minutes (may be reduced to 45 minutes))**

(1645-1730) To consider an Annual report of the Overview and Scrutiny Committees.

Councillor ?????? to move the following Motion:

“ ”

Attached **10** **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS (90 minutes)**

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

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

| | |
|--------------------------|--|
| Report to: | COUNCIL BUSINESS MANAGEMENT COMMITTEE |
| Report of: | Director of Legal & Democratic Services |
| Date of Decision: | |
| SUBJECT: | REVIEW OF THE CITY COUNCIL'S CONSTITUTION |
| Wards affected | ALL |

| |
|--|
| 1. Purpose of report: |
| 1.1 To agree minor changes to the City Council's Constitution to ensure continuing effectiveness and efficiency. |

| |
|---|
| 2. Recommendations : |
| 2.1 To agree the minor changes to the Council's Constitution. |

| | |
|---------------------------------|--|
| Lead Contact Officer(s): | David Tatlow Director of Legal & Democratic Services |
| Telephone No: | 0121 303 2151 |
| E-mail address: | david_tatlow@birmingham.gov.uk |

| |
|--|
| List of Appendices accompanying this Report (if any): |
| 1. Volume A (Tracked) Articles 4, 8 (relating to CBM) 10 and 12. |
| 2. Volume B1 – Council Standing Orders and B8 Independent Remuneration Panel |

3. Relevant background / chronology of key events:

3.1 The changes are as follows:-

Article 4 – Changes to Plans and Strategies to be approved by City Council

Article 8 – The addition of Local Authority School Governor Nomination Committee as a Sub-Committee CBM

Article 10 – Reference to appointment of Chairs by Ward Committees

Article 12 – Minor changes and new paragraph relating to delegated Authority to officers.

B1 – Changes to the table and Minor changes to Paragraph 4 (A) (3)

B8 – Minor change to paragraph 2

3.2 Set out below for information is detail relating to the reporting of plans and strategies to City council:-

Adult Learning Plan – awaiting details

Birmingham Cultural Strategy – last reported to City Council in 2010, to be submitted in November or December 2015

Community Safety Strategy – awaiting details

Council Business Plan including Budget and Long-Term Financial Strategy – reported annually

Development Plan for Birmingham – awaiting details

Heritage Strategy – last reported to City Council February 2014

Housing Strategy – awaiting details

Homelessness Strategy – to be submitted approximately September 2016

Local Development Framework Plans – awaiting details

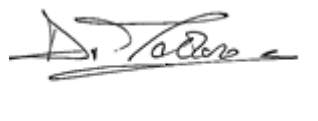
Pay Policy – report annually Council Business Plan

Statement of Licensing Policy – last approved by City Council July 2015. Requirement to publish every 5 years

West Midland Local Transport Plan – about to be published for consultation

Signatures of approval to submit the report to Committee:

Director of Legal & Democratic Services:



Dated: 20 July 2015

Article 4 – The Full Council

The Council has responsibility for all Non-Executive functions and approving the policy framework and budget. The Council, as a whole, retains responsibility for regulatory functions and has a role in holding the Executive to account.

4.1 Role of the Full Council

The Full Council's primary role is to consider and approve the Council's Policy Framework and Annual Budget. The Council's secondary role is to hold to public account the Members of the Executive, Overview & Scrutiny and Regulatory Committees.

4.2 Policy Framework

The Policy Framework means the plans or strategies to be approved by the Full Council:

Adult Learning Plan

~~Birmingham Children and Young People's Plan~~

Birmingham Cultural Strategy

Birmingham Sustainable Community Strategy 2026

~~Birmingham Unitary Development Plan~~

Community Safety Strategy

Council Business Plan – including Budget and Long-Term Financial Strategy

~~Development – Economic Strategy~~

Development Plan for Birmingham

Heritage Strategy

Housing Strategy / Homelessness Strategy

Local Development Framework Plans

~~Manufacturing Strategy~~

Pay Policy

Statement of Licensing Policy under the Licensing Act 2003

~~Taking Birmingham Forward (Community Strategy)~~

West Midlands Local Transport Plan

4.3 Powers of the full Council

Only the full Council will exercise the following functions:

- (a) adopting and approving changes to the Constitution on an annual basis, save where the Council Business Management Committee make any necessary minor “in-year” changes;
- (b) approving the overall revenue budget, the allocations of revenue resources to Directorates, the capital programme at the commencement of each year, the level of Council Tax, the Prudential indicators, the Prudential borrowing limit, the treasury management strategy and policy.

- (c) making decisions on matters which could have been (but were not) covered by the Policy Framework;
- (d) electing the Leader of the Council every four years or as and when required;
- (e) agreeing and/or amending the terms of reference for committees (other than Cabinet Committees), deciding on their membership and making appointments to them, including the Chairman, subject to the legal rules regarding proportionality between the different political parties;
- (f) appointing representatives to outside bodies unless the appointment is an Executive function or has been specifically delegated by the Council;
- (g) adopting and approving the Members Allowances Scheme;
- (h) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City;
- (i) confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or private Bills;
- (k) determine the agenda and procedure for the conduct of meetings of Full Council;
- (l) receiving and considering reports referred to it from Cabinet Members, Overview and Scrutiny Committees, the Council Business Management Committee and the Standards Committee; and
- (m) all other non-executive matters which by law must be reserved to Council.

4.4 All other non-executive matters are delegated to Council Business Management Committee or any of its sub-committees, or delegated to regulatory committees.

4.5 **Council meetings**

There are three types of Council meeting:

- (a) the Annual General Meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings. (five Members required to petition the Lord Mayor)

and they will be conducted in accordance with the Council Standing Orders set out in **Volume B**.

- (ii) exercise the powers and duties of the Council under all relevant legislation and relating to the non-executive functions of the Committee.

8.2 Non-Executive Committees

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.

AUDIT COMMITTEE

The purpose of the Audit Committee is to support the Council's Corporate Governance responsibilities and to provide independent assurance to the Council in relation to internal control, risk management and governance.

Functions

- (a) To review the City Council's Annual Accounts and Annual Good Governance Statement (AGGS). This will include advising on significant changes throughout the year to financial regulations and policies.
- (b) To monitor progress in addressing control or governance issues identified in the AGGS.
- (c) To review and provide the executive with assurance on the embedding and maintenance of an effective system of corporate governance including the risk management framework and the associated control environment.
- (d) Responsibilities as set out in the terms of reference in relation to external audit including reviewing the planned programme of work, noting fees and terms of engagement of the external auditor, considering and advising the executive on responses to audit management letters, reports and investigations and reviewing whether agreed external audit or inspection recommendations have been implemented as timetabled.
- (e) To review and make recommendations to the executive regarding the effectiveness of internal audit to include ensuring the internal audit function is adequately resourced, to review its strategy, receive, challenge and approve its annual plan and monitor its delivery and to review significant audit findings and monitor progress by managers in implementing agreed recommendations.
- (f) To consider and make recommendations to the executive on the Council's arrangements for deterring, preventing, detecting and investigating fraud.

Article 10 - District Committees and Ward Committees/Forums

This Article sets out details with regard to District Committees and Ward Committees consisting of the Members of that District or Ward.

- 10.1. Ten District Committees have been established by the Council and the relevant Ward Members have been appointed to serve on them:-

| District Committee: | Area: | Members from the following Wards: |
|----------------------------|--------------|--|
| 1. Edgbaston | South | Bartley Green, Edgbaston, Harborne and Quinton, |
| 2. Erdington | North | Erdington, Kingstanding, Stockland Green and Tyburn |
| 3. Hall Green | East | Hall Green, Moseley & Kings Heath, Sparkbrook and Springfield |
| 4. Hodge Hill | East | Bordesley Green, Hodge Hill, Shard End and Washwood Heath |
| 5. Ladywood | Central | Aston, Ladywood, Nechells and Soho |
| 6. Northfield | South | Kings Norton, Longbridge, Northfield and Weoley |
| 7. Perry Barr | Central | Handsworth Wood, Lozells & East Handsworth, Oscott and Perry Barr |
| 8. Selly Oak | South | Billesley, Bournville, Brandwood and Selly Oak |
| 9. Sutton Coldfield | North | Sutton Four Oaks, Sutton New Hall, Sutton Trinity and Sutton Vesey |
| 10. Yardley | East | Acocks Green, Sheldon, South Yardley, Stechford & Yardley North |

- 10.2 Ward Committees/Forums will be constituted in each District to encourage and facilitate dialogue, between the Council and local people within their Ward. Cabinet has delegated the functions, operational powers and duties to the relevant Ward Committee / Forum as set out in Volume B (B6).
- 10.3 The membership of District and Ward Committees shall consist of those Members elected to serve that District and that Ward. The co-option of up to five partner members without voting rights is permitted in respect of each District Committee. Once Committees have been established, only the City Council can dissolve them. The Member of Parliament for the District should be invited to attend Ward and District Committee as an observer with the right to speak and there will be no co-opted members of the Ward Committee. Where a Ward Committee does not exist, the functions, powers, duties and terms of reference rest with the relevant District Committee.

EXECUTIVE POWERS DEVOLVED TO DISTRICT COMMITTEES

- 10.4 Cabinet has delegated the functions, operational powers and duties to the relevant District Committee(s) as set out in **Volume B (B6)**. These Terms of Reference may be amended by Cabinet from time to time to reflect the shape of the Future Council. District Committees have a right to consider and respond to consultations on planning briefs and frameworks and major development proposals. Any such responses are to be given to the Planning Committee for consideration at the appropriate time.

10.5 **Meetings**

Each District and Ward Committee shall meet at the start of each Municipal Year, and, thereafter usually bi-monthly, alternating between District and Ward Committees. District Committee Meetings will take place at the Council House or as may be necessary at some other central Birmingham location to be determined by the Chief Executive.

Executive Members and Chairs of Ward Committees will be appointed by each District Committee and by each Ward Committee at the first meeting of the municipal year. Deputy Executive Members are elected at the same meeting for the purpose of substituting for the Chair if absent. In the event of a District Committee failing to appoint, the matter will be determined by the Leader of the Council. They will have a leadership responsibility for 'place' matters within their District including:

- (i) Effective discharge of the local executive remit, through delegations, of their District Committee.
- (ii) Production of a Community Plan out locally determined priorities and policies for approval by the District Committee.
- (iii) Attendance at Cabinet meetings to voice local matters in relation to the Executive decisions taken.
- (iv) Attend Overview and Scrutiny to account for delegated responsibilities for the District Committee, and policy priorities as set out in policy statements and development plans.

Each District Committee will also hold an annual District Convention with input from community groups, partners and other stakeholders, to inform on District priorities arising from the Local Service Community Plans.

10.6 **Quorum**

- (a) The Quorum for a District Committee shall be 6 Elected Members.
- (b) The Quorum for a Ward Committee shall be 2 members.

- 10.7 The Council will establish (or dissolve) Ward Committees on the recommendation of the Council Business Management Committee.

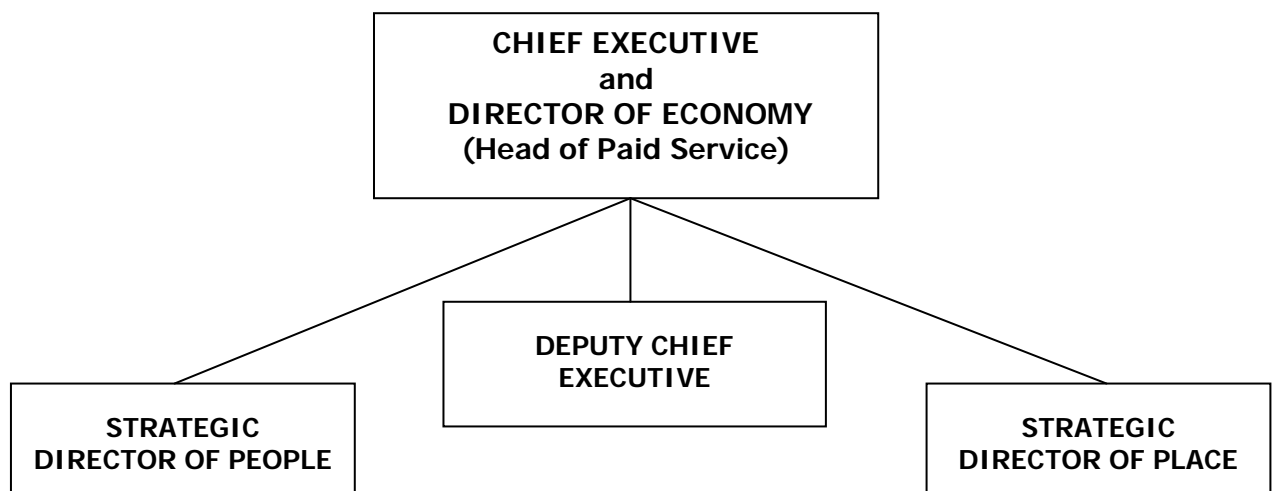
Article 12 – Officers

This Article sets out details with regard to “Officers”, which means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non employed situations.

Management structure

12.1 **General.** The Council is empowered to engage Officers to carry out its functions.

12.2 **Chief Executive, Deputy Chief Executive and Strategic Directors**



12.3 **Statutory Officers of the Council**

Head of the Paid Service = Chief Executive and Director of Economy and Returning Officer and Electoral Registration Officer

This is the Chief Executive of the Council.

The Council must approve the appointment of the Head of Paid Service before a final offer of appointment is made to him/her. The Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given to him/her.

Monitoring Officer = Director of Legal & Democratic Services

This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards Committee.

Chief Finance Officer = Director of Finance

This role is responsible for ensuring the sound financial administration of the Council.

Scrutiny Officer = Head of Scrutiny Services

This role promotes Overview & Scrutiny functions of the Council.

12.4 Delegated Authority to Chief Executive and Director of Economy and Chief Officers (Deputy Chief Executive and Strategic Directors)

- (a) Subject to clause (f) below, the Strategic Directors, including the Deputy Chief Executive have the following delegated powers in respect of all matters which are not “key decisions” and not reserved for decision by the Council or by a Committee of the Council:
- (i) to make decisions and approve expenditure relating to the functions of their Directorate providing (1) that the sum expended is within the approved budget for the Directorate and/or relevant portfolio, and (2) the amount in relation to any single matter does not exceed £200,000 or (3) the amount in relation to any single matter is between £200,000 and £500,000 (revenue) or £1M (capital) jointly with the relevant Cabinet member(s).
 - (ii) determine employment matters relating to staff including all changes to staffing structures below JNC level and the annual implementation of the contractual pay increment system. These powers will not include changes to terms and conditions of employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200k).
 - (iii) to approve tender strategies and award contracts in accordance with the Procurement Government Arrangements in **Volume B** where the supplies, materials, or services to be purchased or the works to be executed are between the European Threshold (currently £172,514) and £2,500,000 in value, over the contract length.
 - (iv) to write off any individual debts of income (including any associated court costs and bailiffs fees) within their service directorate responsibility, and after consultation with the Director of Finance, up to the sum of £25,000 per individual or organisation,, which in the opinion of the Strategic Director, is considered to be uneconomical to collect or is irrecoverable. *All individual debts above this amount can only be written off by the Director of Finance.*
 - (v) the Chief Executive and Director of Economy has all the above delegated authority in respect of all executive and non-executive expenditure, and as may be necessary, determine which Directorate discharges any particular Council function if this is not clear.
 - (vi) the Deputy Chief Executive additionally has the powers and restrictions set out in 12.4(f) below.
- (b) These powers may be delegated further under a Scheme of Delegation as may be determined by the Chief Executive and Director of Economy, Deputy Chief Executive and Strategic Directors, and the Scheme of Delegation will be produced to the Chief Executive and Director of Economy and published

on the Council's website, and powers are also delegated to all officers in accordance with their job description and Divisional budget.

- (c) Officers should ensure that delegated powers are exercised in accordance with relevant Council policies and procedures and also put appropriate systems in place for recording the exercise of delegated powers in the following manner and circumstances:
 - (i) all decisions with a value of £50,000 or more made by officers under delegated powers should be recorded in writing and a single copy for each Directorate produced to the Chief Executive and Director of Economy and the Leader/Deputy Leader on the 30th September and 31st March of each year.
 - (ii) additionally, all decisions taken jointly with Cabinet Members should also be recorded but in these cases using a standard committee report form (public or private as appropriate), signed by the relevant Chief Officer and then recorded on the Council's Democracy in Birmingham website.
- (d) The Director of Legal and Democratic Services may exercise all proper officer and any other functions of the Council which do not fall within the Directorate or budget responsibility of a Strategic Director and has the powers set out in Article 14.
- (e) The Chief Executive and Director of Economy may exercise voting rights at general meetings of companies of which the Council is a member or by written resolution and may take any necessary action to protect, safeguard and effectively manage the Council's interest in such companies.
- (f) The Chief Executive and Director of Economy, and Deputy Chief Executive (and no other Strategic Director) without financial limit have the following additional powers to make decisions in relation to:
 - (i) all future forms of indemnity on behalf of the Council including the signing of certificates under the Local Government (Contracts) Act 1997.
 - (ii) the Council's loan and investment portfolios in accordance with the statutory borrowing limits determined by the Council and the Council's Treasury Policy Statement and Management Strategy as approved from time to time by the Council and all such decisions are exempt from the reporting requirements set out in Article 13.
 - trust fund investments;
 - banking arrangements including opening bank accounts and credit card facilities;
 - non land and building leases;
 - the application for financial assistance to the City Council and the authorisation of any grant claims;

- the administration of the Housing Rents, Council Tax and Housing Benefit systems and the collection of Community Charge, Council Tax, Housing Rents and Non-Domestic Rates (including setting Non-Domestic rates and applications for relief or reduction in accordance with the criteria and policy guidance approved from time to time by the Cabinet);
- matters relating to the transfer of pension rights.

(iii) the management of all of the Council's land and properties and for all acquisitions and disposals (including the granting and surrendering of any rights over such land and property) provided that any term does not exceed ~~100~~25 years and any value does not exceed £125,000 p.a. in the case of freehold and leasehold transactions sold, at a premium the premium does not exceed £1,000,000 and the authorising and payment of discretionary contributions towards trade/loss and or removal expenses and all payments due under an approved Compulsory Purchase Order save that land and property held by the Council as Trustee shall be the responsibility of the Trusts and Charities Committee.

(g) The Chief Executive and Chief Officers have delegated authority to approve and make payments in connection with the duties of the council where it holds monies in the capacity of an "Accountable Body". In all such cases where the council is the accountable body, the Chief Executive or any Chief Officer has authority to make lawful payments in compliance with the terms under which the council holds monies as the accountable body and up to but not exceeding the total amount held under each agreement with the grant giver.

Note: in any regear of a lease only the extra term shall be used in calculating the gross value.

B1 – Council Standing Orders

STANDING ORDERS DEALING WITH THE PROCEDURE AT MEETINGS OF THE FULL COUNCIL

1 Order of Business

- (1) The order of business and the indicative timescales at every ordinary meeting of the Council shall usually be –

| Standard Item | Time Limits | Indicative Timetable |
|---|--|--|
| Minutes, Lord Mayor's Announcements | 10 minutes for Lord Mayor's Announcements - and <u>no presentations.</u> | 2.00 – 2.05 p.m. |
| Lord Mayor's Annual report (AGM only) | 15 minutes | |
| Petitions A schedule of outstanding petitions will be available electronically | 15 minutes | 2.05 – 2.20 p.m. |
| Question time | 90 minutes | 2.05 2.20 – 3.35 50 p.m. |
| Questions from members of the public to any Cabinet Member or District Committee Chairman | 20 minutes 1 minute for each question 2 minutes for each answer | |
| Questions from any Councillor to a Committee Chairman or Lead Member of a Joint Board. Each Councillor may ask only one question. No supplementary questions. | 20 minutes 1 minute for each question 2 minutes for each answer | |
| Questions from Councillors other than Cabinet Members to a Cabinet Member. Each Councillor may ask one question and one supplementary question. | 25 minutes 1 minute for each question 3 minutes for each answer | |
| Questions from Councillors other than Cabinet Members to the Leader or Deputy Leader. Each Councillor may ask one question and one supplementary question. | 25 minutes 1 minute for each question 3 minutes for each answer | |
| Appointments | 5 minutes | 3.50 35 – 3.55 40 p.m. |
| Policy Plans or Reports from CBM | 30 20 minutes | 3.55 40 – 4.15 40 p.m. |
| Adjournment Break | 15 minutes | 4.15 40 – 4.25 30 p.m. |
| Overview & Scrutiny reports | 60 minutes | 4.30 25 – 5.30 25 |

| | | |
|---|--|--|
| | | p.m. |
| Motions submitted by individual Councillors rotated equally between the political groups as determined by CBM | 90 minutes Any Motions or Amendments not moved within this time will be treated as withdrawn. | 5. 30 ²⁵ – 7. 00 ⁵⁵ p.m. |
| Petitions A schedule of outstanding petitions will be available electronically | 5 minutes | 6.55 – 7.00 p.m. |

- (2) The time allowed for speeches shall be up to 7 minutes for the mover of a Motion or Amendment to the Motion, with up to 4 minutes each for other Members wishing to participate in the debate and a right of reply for the mover of the Motion only of up to 5 minutes.
- (3) The order of business may be varied by a resolution passed on a Motion which, after being moved and seconded, shall be put to the vote without discussion.
- (4) Question time will be excluded from the agenda at the Annual Meeting and the Annual Budget Meeting of the Council.

2 Record of Attendance and Quorum

The Chief Executive shall record the attendance of Councillors.

A Quorum is 30 Councillors.

3 Urgent Business

- (1) Urgent business may be moved or raised at the meeting with the prior agreement of the Lord Mayor.

4 Motions and Reports to the City Council for Debate

(A) *Motions submitted by individual Councillors*

- (1) A motion to be submitted to the Council (other than at the Annual General Meeting) for debate under Part (A) of this Standing Order must be relevant to any of the Council's Policy Framework Plans and/or the Budget Framework, be in writing signed by two members and must be delivered to the Chief Executive at any time between the end of the previous ordinary Council meeting and six clear working days before the Council meeting at which it is to be debated. No Motions under Standing Order 4A are permitted for the meeting of the City Council reserved for the Annual Budget debate.
- (2) The Chief Executive shall maintain a record of all such motions and the order in which they have been received and this record shall be open to inspection by any member of the Council. The Chief Executive shall also provide the Lord Mayor with copies of all

such motions and shall have the power, after receiving appropriate advice from the Monitoring Officer, to seek appropriate amendments from the proposer of the Motion, so as to ensure compliance with any legal and/or constitutional aspects and in the event that the proposer is unable to agree, the proposed Motion will not appear on the summons for the Council meeting.

- (3) If, at any time during the debate on any Motion before the Council, it appears to the Lord Mayor that the motion (in its original, modified or amended form) would, if carried -
- (a) have the effect of materially increasing the expenditure, or materially decreasing the revenue, of the Council;
 - (b) involve capital expenditure not provided for in the Council's approved capital budget; or

~~(c) involve aspects that have not been considered in detail by the Executive;~~

the Lord Mayor will direct that the motion shall stand adjourned without further debate in order that the Executive may consider any financial, policy or other implications of the motion and request the Executive to submit its recommendations to a future meeting of the Council.

(B) Motions submitted via the Council Business Management Committee

- (1) Prior to each ordinary meeting of the Council, the Council Business Management Committee shall consider and determine what motions it is necessary or appropriate to submit to that meeting.
- (2) The Chief Executive shall set out in the Summons, for each meeting, the motions which the Committee has determined should be submitted.

(C) Annual Report of the Leader

- (1) The Leader of the Council will, on an annual basis (usually June) submit a "Leader's Policy Statement."
- (2) No amendment to the Motion "to receive the Report" will be allowed.

5 Conduct of Debate

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (2) Every motion and amendment, except when printed in the Summons or when copies have been supplied to each member at the commencement of the meeting (in which case the motion or amendment shall be taken as read), shall be read by the mover

before being spoken upon and no other member shall speak on it until it has been seconded.

- (3) Every amendment shall, unless the Lord Mayor otherwise indicates, be reduced to writing, signed by the mover and delivered to the Chief Executive before it is moved.
- (4) Any member who seconds a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later stage of the debate on that motion or amendment.
- (5) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
 - (a) to speak once on an amendment moved by another member;
 - (b) on a point of order as defined by Standing Order 5(6);
 - (c) by way of personal explanation as defined by Standing Order 5(6);
- (6) A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her in the Council Chamber or in relation to a matter outside of the Council Chamber, which may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on a point of order or on the admissibility of an explanation shall not be open to discussion and shall be final. No points of information are permissible under Standing Orders.
- (7) When a motion is under debate no other motion shall be moved except the following -
 - (a) to amend the motion,
 - (b) to proceed to the next business;
 - (c) to adjourn;
 - (d) that the question be now put;
 - (e) that a member (named) under Standing Order 15 be not further heard or do leave the meeting;
 - (f) to suspend Standing Orders;
 - (g) to exclude the public under S.100(A) of the Local Government Act 1972;

- (h) to re-admit the public;
 - (i) that the consent of the Council be given where the consent of the Council is required by these Standing Orders (e.g. to extend time limits, to withdraw motions, etc).
- (8) The Lord Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the business of the Council.
- (9) An amendment shall be relevant to the motion and shall be –
 - (a) to leave out specified words; or
 - (b) to insert or add specified words; or
 - (c) to refer a subject of debate to the Executive or to a committee for consideration or re-consideration.

but any omission, insertion or addition of words shall not result in substance in a direct negation of the motion before the Council.
- (10) Once voting on any motion or amendment has commenced, there shall be no further debate on the matter under consideration and no further amendments may be moved to the original motion. If an amendment is carried, the motion, as amended, shall take the place of the original motion.
- (11) Not every debating possibility has been covered by these Standing Orders and, in the event of anything not being covered in Standing Orders, the Lord Mayor's ruling on the matter shall be final and binding on the Council.

6 Suspension of Standing Orders

Standing Orders may be suspended by resolution of the Council, provided that a motion to suspend Standing Order 13 (Length of Council Meetings) may only be moved by the Leader or Deputy Leader (or their nominee) of one of the Party Groups and seconded by the Leader or Deputy Leader (or their nominee) of another Party Group.

7 Voting

- (1) Motions shall be determined (as the Lord Mayor may direct) by a show of hands.
- (2) If, after a vote has been taken by a show of hands, a "named vote" is requested by at least 10 members rising in their place, the following procedure shall apply -

- (a) the division bell will be rung for one minute;
- (b) the doors of the Council Chamber will then be closed;
- (c) the names of those voting for or against or abstaining will then be ascertained by the use of the vote recorder and included in the Minutes.

8 Petitions

- (1) Every petition to the Council meeting shall either be in writing presented by a Councillor or an e-petition from the Council's website.
- (2) A Councillor presenting a petition or the Lord Mayor (on behalf of Councillors who have submitted their petitions to the Chief Executive in advance of the meeting) may move without comment that the petition(s) be received and referred to the relevant Chief Officer(s) to examine and respond appropriately.
- (3) At each meeting of the City Council, the Chief Executive shall ensure that an "Update Report" is electronically available for Members providing relevant details on the progress, or otherwise, of any petitions received by the City Council since the Annual General Meeting of 2005. Where a petition has been discharged, the Update Report does not need to mention the same.

9 Questions

(A) Written Questions

Any Councillor may ask one written question (with no sub-questions) of any Cabinet Member, Committee Chairman or Lead Councillor for a West Midlands Joint Authority by submitting the question in writing to the Chief Executive by no later than 1200 hours on the Thursday prior to the day of the Council meeting. A copy of each such question and the written answer shall be supplied to every Councillor at the start of the Council meeting and shall also be annexed to the Minutes of the meeting.

(B) Oral Questions

(1) Questions from Members of the Public

A member of the public may ask one oral question of any Cabinet Member or District Committee Chairman by submitting the question in writing to the Chief Executive no later than 12 noon on the Friday before the Council meeting. No question will exceed 1 minute and no answer will exceed 2 minutes.

- The question must refer to an issue which affects Birmingham or falls within the Council's responsibilities.

- The question must not be substantially the same as a question which has been put at a meeting of the Council in the past 6 months.
- The question must not be defamatory, frivolous, vexatious or offensive.
- The question must not require the disclosure of confidential or exempt information.
- The question must not refer to individual planning or licensing matters, or any matter of a personal nature.

(2) *Questions from Councillors*

Councillors may ask questions as set out in the order of business.

10 Conduct at Meetings of the Council

- (1) Councillors are expected to treat each other with respect and abide by the Code of Conduct.
- (2) The Lord Mayor may, as she/he sees fit, direct a Councillor to discontinue his/her speech.
- (3) If there is more general disorder, the Lord Mayor may direct a Councillor causing such disorder to retire from the meeting.

11 Disturbance by Members of the Public

If a member or members of the public present at a meeting of the Council interrupt(s) the proceedings, the Lord Mayor may warn them that on any further interruption they will be required to retire from the Chamber. If the member(s) of the public, after such warning, again interrupt(s) the proceedings the Lord Mayor may instruct them to retire from the Council Chamber and if they fail to comply the Lord Mayor may order their removal from the Chamber.

12 Common Seal

A decision of the Executive or a resolution of the Council or a committee acting within the powers and duties delegated to it shall be sufficient authority for sealing any deed, instrument, document or writing necessary to give effect thereto.

The Seal shall be attested by one of the following persons who shall subscribe his/her name thereto after sealing, that is to say, the Lord Mayor, the Deputy Lord Mayor, the Chief Executive or any senior lawyer in the employment of the City Council from time to time authorised for this purpose by or on behalf of the Council.

13 Length of Council Meetings

If a meeting of the Council has not come to an end by 7:00 p.m, the following procedure shall apply

- (i) at the conclusion of the speech then being delivered, the Lord Mayor shall allow the mover of the motion then under debate to exercise his/her right of reply and shall then put the motion to the vote;
- (ii) in respect of any remaining items of business, the Lord Mayor shall allow motions to be moved and seconded formally (without comment) and shall forthwith put the motions to the vote without discussion; and
- (iii) the Lord Mayor shall then close the meeting.

14 Conflict resolution between Full Council and the Executive

- (1) The Leader must have at least 5 working days to object to a full Council decision which is contrary to the Executive's proposals for either the budget or a plan or strategy before that decision takes effect;
- (2) if the Leader registers an objection, the full Council must meet to reconsider the issue in light of the objection;
- (3) ultimately, full Council can insist on its decision.

15 Appointment of Committees

On the recommendation of Council Business Management Committee, the Council shall appoint Committees necessary for the discharge of the Council's functions, along with the membership and Chairman of each, for a period ending no later than the next annual meeting of the Council.

B8 – Independent Remuneration Panel

1. Councillors receive allowances to support them in carrying out their work as elected representatives. The size of the allowance for the various Councillor roles is decided by the City Council. In taking this decision, the Council must consider a report from an Independent Remuneration Panel.
2. In Birmingham the Panel comprises:
 - 6 members selected from a public advertisement
 - 1 representative of the Trade Unions
 - 2 co-optees drawn from former ~~Lord Mayors~~ Councillors of the City Council who are no longer ~~Councillors~~ Members of the CouncilPanel Members are appointed for a 3-year term of office.
3. The terms of reference for the Panel are:

“To consider and keep under review and, as and when appropriate, to submit reports [containing recommendations] to the Council on:

 - The amount of Basic Allowance payable to all members;
 - The responsibilities or duties in respect of which Special Responsibility, Travelling, Subsistence and Co-optees’ should be available and the amounts of such allowances;
 - Any arrangements for the withdrawal of Basic and/or Special Responsibility Allowance if a member is wholly or partially suspended;
 - Whether Dependants’ Carers’ Allowance should be payable and the amount of such an allowance;
 - Whether there is any backdating of allowances payable for the year in which an amendment is made;
 - Whether adjustments to the allowances are to be determined according to an index and if so, how long the index shall apply before review [maximum of four years];
 - Which members of an authority are entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972;
 - Whether Basic Allowance or Special Responsibility Allowance, or both, are treated as the amounts for which pensions are payable;
 - Any proposals for the introduction of an Allowances Scheme for members of a Parish Council;
 - The development of job specifications for roles and responsibilities and key accountabilities for the standard role of a Councillor and for those roles for which a Special Responsibility Allowance is or might be paid.”
4. The Member Allowances Scheme is approved by the City Council. This document can be found on the Council’s website.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

| | |
|--------------------------|--|
| Report to: | COUNCIL BUSINESS MANAGEMENT COMMITTEE |
| Report of: | Director of Legal and Democratic Services |
| Date of Decision: | 28 July 2015 |
| SUBJECT: | REQUEST FOR THE USE OF THE COAT OF ARMS |
| Wards affected: | All |

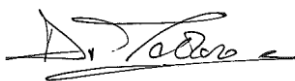
1. Purpose of report:

- 1.1 To consider an application for the use of the Coat of Arms by Two Towers Brewery.

2. Decision(s) recommended:

- 2.1 The Committee is asked to determine the application.

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

Signature:


Chief Officer(s):

Dated: 23 July 2015

List of Background Documents used to compile this Report:

Email from Two Towers Brewery.

List of Appendices:

Appendix – example of use of the Coat of Arms.
Page 35 of 38

3. Relevant background/chronology of key events:

Request for the Use of the Coat of Arms by Moseley Rugby Club

- 3.1 A request has been received from Two Towers Brewery for the use of the Coat of Arms.
- 3.2 Two Towers Brewery is based in Birmingham and have a unique selling point and product focus to promote and celebrate Birmingham's heritage, people and world class visitor attractions. The brewery would like to use aspects of the Coat of Arms as part of marketing for the Rugby World Cup campaign which begins in September 2015. Specifically it would be incorporated on the brewery's pump clips and bottle label for a real ale that the brewery is brewing. The appendix to the report sets out the design.

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

- 3.3 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.”
- 3.4 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.
- 3.6 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.

FORWARD!

RUGBY WORLD CUP

