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

BIRMINGHAM CITY COUNCIL

COUNCIL BUSINESS MANAGEMENT COMMITTEE

TUESDAY, 28 JUNE 2016 AT 14:00 HOURS IN COMMITTEE ROOM 2, 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 APOLOGIES

To receive any apologies.

3 - 10 ³ <u>MINUTES</u>

To confirm and sign the Minutes of the last meeting.

4 <u>CITY COUNCIL'S CONSTITUTION</u>

Report of the City Solicitor.

5 STRATEGIC LEADERSHIP CAPACITY FOR ICT AND DIGITAL SERVICES

Report of the Strategic Director Change and Support Services.

63 - 64 6 PETITIONS UPDATE

Report of the City Solicitor.

65 - 68 7 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 Conservative, Liberal Democrat and Lalaguer 1 of 70

8 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.

69 - 70 8A <u>APPOINTMENTS BY THE COUNCIL</u>

9 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

COUNCIL BUSINESS MANAGEMENT COMMITTEE 27 MAY 2016

MINUTES OF A MEETING OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE HELD ON FRIDAY 27 MAY 2016 AT 0930 HOURS, IN COMMITTEE ROOM 1, THE COUNCIL HOUSE, BIRMINGHAM

PRESENT:

Councillor John Clancy in the Chair;

Councillors Robert Alden, Barry Bowles, Mohammed Idrees and Mike Ward.

NOTICE OF RECORDING

2502 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.

APPOINTMENT OF COMMITTEE

2503 The resolution of the City Council passed at the Annual Meeting on 24 May 2016 appointing the Council Business Management Committee and Members for the Municipal Year 2016/2017 with Councillor John Clancy as Chair was noted.

ELECTION OF DEPUTY CHAIR

2504 <u>RESOLVED</u>:-

That Councillor Ian Ward be appointed as Deputy Chair for the Municipal Year 2016/17.

APOLOGIES

2505 Apologies for non-attendance were submitted on behalf of Councillors Sharon Thompson, Anne Underwood and Ian Ward.

DECLARATIONS OF INTEREST

2506 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.

TERMS OF REFERENCE OF COUNCIL BUSINESS MANAGEMENT COMMITTEE

The following document was submitted:-

(See document No 1)

2507 **RESOLVED**:-

That the Terms of Reference be noted.

MINUTES

Councillor Robert Alden expressed concern that changes to the constitution had been made at City Council without Members of the Council Business Management Committee having sight of them and he hoped in future such changes should be presented to Committee and be available before the meeting. He noted that in the constitution approved at City Council the 4 Assistant Leaders would be able to attend and this was inconsistent with other members attending Cabinet who were only invited. The Chair and Stuart Evans, City Solicitor, indicated that a minor change could be made to the Constitution to remove the inconsistency.

2508 The Minutes of the last meeting held on 9 May 2016 were confirmed and signed by the Chair.

APPOINTMENT OF SUB-COMMITTEES AND OTHER BODIES

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

(See document No 2)

A. EDUCATION AWARDS (REVIEW) SUB-COMMITTEE

2509 **RESOLVED**:-

(i) That an Education Awards (Review) Sub-Committee be appointed for the Municipal Year 2016/2017 with the following functions:-

To review and determine appeals against the decisions of the Strategic Director for People in respect of arrangements for the home to school transport of pupils; and

 that the following Councillors be appointed to serve on the Sub-Committee for the Municipal Year 2016/2017 with Councillor Valerie Seabright as Chair:

Councillor Barry Bowles	(Lab)
Councillor Chauhdry Rashid	(Lab)
Councillor Valerie Seabright	(Lab)
Councillor Matt Bennett	(Con)
Councillor Karen Trench	(Lib Dem)

B. MISCELLANEOUS APPEALS SUB-COMMITTEE

2510 **<u>RESOLVED</u>**:-

- (i) That a Miscellaneous Appeals Sub-Committee be appointed for the Municipal Year 2016/2017 with the following functions:-
 - 1. 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; and
- (ii) that the following Councillors be appointed to serve on the Sub-Committee for the Municipal Year 2016/2017 with Councillor Alex Buchanan as Chair:

Councillor Nawaz Ali	(Lab)
Councillor Alex Buchanan	(Lab)
Councillor Marje Bridle	(Lab)
Councillor Timothy Huxtable	(Con)
Councillor Carol Jones	(Lib Dem)

C. ELECTION MATTERS MEMBERS FORUM

2511 **<u>RESOLVED</u>:-**

- (i) That for the municipal year 2016/2017 the Election Matters Members Forum be outside of proportionality requirements;
- (ii) that an Election Matters Members Forum be appointed for the Municipal Year 2016/2017 with the following functions:

To recommend further improvements to the Elections Office and/or the Elections processes;

To be consulted over relevant consultation papers relating to the Elections process;

To discuss issues that the Returning Officer may wish to raise with the Members Forum; $apg_{qe} 5 \text{ of } 70$

Council Business Management Committee – 27 May 2016

(iii) that the following Councillors be appointed to serve on the Sub-Committee for the Municipal Year 2016/2017 with Councillor John Clancy as Chair:

Councillor John Clancy	(Lab)
Councillor Ian Ward	(Lab)
Councillor Valerie Seabright	(Lab)
Councillor Sharon Thompson	(Lab)
Councillor Robert Alden	(Con)
Councillor Timothy Huxtable	(Con)
Councillor Jon Hunt	(Lib Dem)

D. LORD MAYOR'S ADVISORY GROUP

2512 **<u>RESOLVED</u>**:-

(i) That a Lord Mayor's Advisory Group be appointed for the Municipal Year 2016/2017 with the following purpose:

To act as a sounding board to the Lord Mayor at the request of the Lord Mayor on Civic and Mayoral matters;

To provide guidance on protocol matters as necessary;

To review Civic functions as necessary; and

To advise on the appropriateness of Parlour arrangements.

(ii) that the following Councillors be appointed to serve on the Sub-Committee for the Municipal Year 2016/2017 with Councillor Mike Leddy as Chair:

Councillor Ray Hassall	(Lab)
Councillor Shafique Shah	(Lab)
Councillor Mike Leddy	(Lab)
Councillor John Lines	(Con)
Councillor Sharon Thompson	· · ·
Councillor Anne Underwood	(Con)
Councillor Mike Ward	(Lib Dem)

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

2513 **RESOLVED**:-

- That a Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions Sub-Committee be appointed for the Municipal Year 2016/2017 with the following functions:
 - 1. 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.

- 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.
- 3. 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).
- (ii) that the following Councillors be appointed to serve on the Sub-Committee for the Municipal Year 2016/2017 with Councillor John Clancy as Chair:

Councillor John Clan	icy (Lab)
Councillor	(Lab) to be appointed dependent on the
	Directorate to which the Post relates
Councillor	(Lab) to be appointed dependent on the
	Directorate to which the Post relates
Councillor Robert Ale	den (Con)
Councillor Jon Hunt	(Lib Dem)

F. PERSONNEL APPEALS (DISMISSALS) SUB-COMMITTEE

It was agreed to increase the membership of the Sub-Committee by 1 to 7 Lab: 3 Con: 1 Lib Dem in accordance with proportionality.

2514 **RESOLVED:-**

- (i) That a Personnel Appeals (Dismissals) Sub-Committee be appointed for the period ending with the first meeting of Council Business Management Committee in the Municipal Year 2017/2018 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.
- 7. 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.
- that the following Councillors be appointed to serve on the Sub-Committee for the period ending with the first meeting of Council Business Management Committee in the Municipal Year 2017/2018:

Councillor Lynda Clinton (Lab) Councillor Valerie Seabright (Lab) Councillor Hendrina Quinnen (Lab) Councillor Mahmood Hussain (Lab) Councillor Mike Leddy (Lab) Councillor Des Hughes (Lab) Councillor Sharon Thompson (Lab) Councillor Maureen Cornish (Con) Councillor Gary Sambrook (Con) Councillor Alex Yip (Con) Councillor Ray Hassall (Lib Dem)

Councillors Mike Leddy, Hendrina Quinnen and Valerie Seabright appointed as Chairs

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

The following schedule was submitted:-

(See document No 3)

2515 **<u>RESOLVED</u>:-**

That the Order of 'Notices of Motion' at City Council for 2016/2017 as set out on the schedule be agreed.

COUNCIL AGENDA FOR THE NEXT MEETING

The following draft agenda was submitted:-

(See document No 4)

Councillor Robert Alden commented that in light of the screening of the despatches TV programme relating to Children's Social Care in Birmingham and the setting up of a Voluntary Trust a discussion should be had at full City Council concerning this possibly after an urgent Overview and Scrutiny Committee review.

The Chair was amenable to such a debate without an O and S review and during further discussion it was agreed to extend the time of the Council meeting to 2000 hours and allocate 60 minutes to a debate on Children's social Care.

It requested that the revised agenda with the new time line be circulated to Members of the Committee.

2516 **<u>RESOLVED</u>:-**

That, subject to the above amendment, the draft agenda be noted.

COUNCIL BUSINESS MANAGEMENT COMMITTEE DATES FOR 2015/2016

The Chair suggested and it was agreed that a meeting be held at the end of July 2015 rather than on 25 August 2015.

Councillor R Alden advised that he would be unable to attend the meeting scheduled to take place on 23 June 2015 and the Chair agreed that a substitute member be permitted to attend.

2517 **<u>RESOLVED</u>:-**

That the following dates for Council Business Management Committee meetings in 2016/2017 be agreed:-

To be held on Tuesdays at 1400 hours unless otherwise stated.

<u>2016</u>	<u>2017</u>	
28 June	24 January	
31 August (1200 hours)	14 February	
18 October	21 March	
22 November	9 May	
13 December		

OTHER URGENT BUSINESS

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

Royal British Legion 'Count them in' Campaign

The following email was submitted:-

(See document 5)

Stuart Evans, City Solicitor, explained that The Royal British Legion was launching a campaign ('Count Them In') to include additional questions in the 2021 census to seek to capture much needed data about the Armed Forces community. This would allow local authorities such as Birmingham which are not 'garrison' towns to identify the 'armed forces community' with in the authorities' boundary thus allowing their particular needs to be met. The MOD had not been able to provide reliable data about the number of serving armed forces personnel the city boundary.

It was note that Councillor Ian Ward was supportive of the campaign and was requesting that the Committee make a decision to give the Council's backing to the proposals.

Members of the Sub-Committee supported the campaign. However they felt that the questions should be voluntary as some armed forces personnel may be reluctant to provide such information and to put them in a position of refusing to answer some census questions with the legal ramifications was counterproductive.

2518 **RESOLVED**:-

That Birmingham City Council supports the The Royal British Legion 'Count Them In' Campaign but recommends that the questions be on a voluntary basis.

AUTHORITY TO CHAIR AND OFFICERS

2519 **<u>RESOLVED</u>:-**

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 0958 hours.

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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	City Solicitor of Legal Services
Date of Decision:	
SUBJECT:	PROPOSED CHANGES TO THE CONSTITUTION
Wards Affected:	ALL

1.	Purpose of report:
1.1	To advise Committee of proposed changes to the City Council's Constitution

2.	Recommendations :
2.1	That the Committee notes the proposed changes to the City Council's Constitution set out in paragraph 3 and in the appendix to this report.
2.2	That the Committee notes and approves inclusion of this report and appendix in the full agenda for the full Council meeting on 16 th July 2016.

Contact Officers:	Stuart Evans
Telephone No:	0121 303 2151
E-mail address:	Stuart.J.Evans@birmingham.gov.uk

Signature:	
Chief Officer(s):	
Dated:	

List of Appendices accompanying this Report (if any):

1. Minor in year changes to the Constitution

3. New Standards Requirements:

- 3.1 At Appendix 1 I have annexed hereto minor track changes to the Constitution.
- 3.2 The track changes relate to minor changes to the Executive Report Process B12; changes to Article 7 Terms of Reference Overview & Scrutiny Committees to clarify the terms of reference; a change to the terms of reference for the Cabinet Member for Housing and Homes and the Cabinet Member for Clean Streets Recycling and Environment.

List of Background Documents used to compile this Report:

NONE



VOLUME A THE CONSTITUTION

Website Updated May 2016

VOLUME A THE CONSTITUTION

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Article 7 – Overview and Scrutiny Committees

This Article sets out details with regard to the Overview and Scrutiny arrangements. These Committees will, normally, meet in public to discuss and make recommendations on the development of policies and on improving service performance, and to hold the Executive to account for their actions.

All Councillors, except Cabinet Members (and the Lord Mayor) can be members of an Overview and Scrutiny Committee. Chairs of these committees are appointed by the Full Council and Deputy Chairs are elected by each committee at its first meeting, for the purpose of substitution for the Chair if absent.

Good Overview and Scrutiny adds value to councils in many ways, for example it:

- Provides "critical friend" challenge to executive policy-makers and decision-makers;
- Enables the voice and concerns of the public and its communities to be heard;
- Is carried out by 'independent minded members' who lead and own the scrutiny process;
- Drives improvement in public services.

7.1 General role

Overview and Scrutiny Committees will:

- (a) make reports and/or recommendations to the full Council, the Executive and / or other organisations in connection with the discharge of the functions specified in their terms of reference;
- (b) consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; and
 - i. is relevant to the Council's strategic objectives; and/or
 - ii. is relevant to major issues faced by officers in managing a function of the Council; and
 - iii. is likely to make a contribution to moving the Council forward and achieving key performance targets.
- (c) exercise the "request for call-in" and "call-in" any Executive decisions made but not yet implemented by the Executive.

Overview and Scrutiny Chairs should maintain regular engagement with Cabinet Members to enable flexibility to be built into the Overview and Scrutiny work programme, so as to respond to the council's policy priorities in a timely way.

7.2 **Specific functions**

(a) **Policy development and review**

Overview and Scrutiny Committees may:

- (i) assist the Council and / or the Executive in the development of its budget and Policy Framework by appropriate analysis of policy and budget issues;
- (ii) conduct appropriate research, community and other consultation in the analysis of policy and budget issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of the Executive and/or Chief Officers about their views on issues and proposals affecting their areas of responsibility; and
- (v) liaise with other external organisations operating in the city, whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny**

Overview and Scrutiny Committees may:

- review and scrutinise the Executive decisions made by and performance of the Executive and/or Chief Officers in relation to decisions taken by them or in relation to their areas of responsibility / department;
- (ii) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and / or particular service areas – including the areas of responsibility of the Regulatory and Non-Executive Committees, but not the actual decisions of the Regulatory and Non-Executive Committees;
- (iii) make recommendations to the Executive, Chairmen of Committees, Chief Officers and/or Council arising from the outcome of the scrutiny process;

- (iv) review and scrutinise the performance of other relevant public bodies in Birmingham (including Health Authorities) and to invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;
- (v) question and gather evidence from any person (with their consent)
- (vi) establish short life working groups to carry out specific time limited enquiries as agreed with the five Overview and Scrutiny Committee Chairs and subject to available resources.

7.3 **Terms of Reference of Overview and Scrutiny Committees**

There shall be five Overview and Scrutiny Committees as set out in the terms of reference below, each to have a Chair (appointed by full Council) and Deputy Chair (to be elected by each committee at its first meeting).

CORPORATE RESOURCES AND GOVERNANCE COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to governance, resources, performance (including customer services), finance, human resources, partnerships, transparency, regional working (including Combined Authority), inequality, public engagement, council wide efficiency, commissioning and procurement.

ECONOMY, SKILLS AND TRANSPORT COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating principally to economic, growth and jobs, inward investment, promotion of the city, transport strategy and highways, skills, libraries, arts, culture, sports and museums.

SCHOOLS, CHILDREN AND FAMILIES COMMITTEE

The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) Church of England diocese representative (one);
- (b) Roman Catholic diocese representative (one); and
- (c) Parent Governor representatives (two). Page 17 of 70

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning the schools, vulnerable children and child safeguarding functions of the council.

HEALTH AND WELLBEING AND THE ENVIRONMENT COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to social care, adult safeguarding, public health, waste management and the Environment; and to discharge the relevant overview and scrutiny role set out in the National Health Service Act 2006 as amended by the Health and Social Care Act 2012, including:

- The appointment of Joint Overview and Scrutiny Committees with neighbouring authorities; and
- The exercise of the power to make referrals of contested service reconfigurations to the Secretary of State as previously delegated to the Health and Social Care Overview and Scrutiny Committee by the Council.

HOUSING AND HOMES COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to housing, homes, land use planning, cleaner neighbourhoods, social cohesion and community safety (including domestic violence).

This Committee shall be the Crime and Disorder Committee (Police and Justice Act 2006).

This Committee shall also undertake the authority's statutory functions in relation to the scrutiny of flood risk management (Flood and Water Management Act 2010).

7.4 Conflicts of interest – Membership of Overview and Scrutiny Committees and District and Ward Forums

- (a) If an Overview and Scrutiny Committee is scrutinising specific decisions in relation to the business of the District Committee and / or Ward Forum of which an Overview and Scrutiny Committee Councillor is a Member, then that Councillor must withdraw from the meeting during the consideration of such matter.
 - (b) Where, however, the Overview and Scrutiny Committee is reviewing policy matters, generally, as opposed to a specific decision of the District and/or Ward Page 18 of 70

Forum, the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

7.5 **Overview and Scrutiny Work and Non-Executive Committees**

- (a) Overview and Scrutiny Committees are only permitted by law to scrutinise the Executive decisions of the council Cabinet, Cabinet Committees, Cabinet Members, District and Ward Committees, and officers.
- (b) In terms of the Regulatory Committees, these carry out quasi-judicial functions and, as such, appropriate appeal rights and procedures apply to the same, which do not involve the Overview and Scrutiny Committees arrangements.
- 7.6 Subject to the proportionality principles, relating to overall membership of the committee being complied with, the appointment of Chairs and Deputy Chairs of the Overview and Scrutiny Committees shall be on such principles as are agreed by the Full Council.

7.7 **Chairs of the Overview and Scrutiny Committees**

The five Overview and Scrutiny Chairs shall monitor the work of the Overview and Scrutiny Committees so as to ensure that such work is properly planned, co-ordinated and progressed. In this connection, they shall have the power to:

- (a) give such guidance to the Overview and Scrutiny Committees in any cases of uncertainty, as to work which they should or should not be undertaking, as may be necessary to achieve such co-ordination, including the allocation of "call-in" to the appropriate Committee;
- (b) determine, in any cases of uncertainty, the allocation of responsibility for specific tasks between the Overview and Scrutiny Committees;
- (c) publish each year an Annual Programme of major Scrutiny Reviews as suggested by individual Overview and Scrutiny Committees following consideration of the annual Leader's Policy Statement to the council; and
- (d) agree the establishment of any task & finish groups;
- (e) consider overview and scrutiny development, working practices and constitutional arrangements.

An observer from the Principal Opposition Group may attend meetings of the five committee Chairs when considering the above matters.

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7.8 "Request for Call-In" and "Call-In"

- (a) When an Executive decision is taken by the Cabinet, Cabinet Member(s) or Chief Officer jointly with Cabinet Members, Cabinet Committee Local Leadership, District Committees or Ward Forums, the decision shall be published by electronic means, and copies of it shall be available at the main offices of the Council, normally within three days of being made. All Members and Chief Officers will be sent a notification of all such decisions within the same timescale, by the Committee Services Officer responsible for publishing the decision.
- (b) The relevant notice will bear the date on which it is published and will specify that the Executive decision may be implemented, after the expiry of three working days after the publication of the decision, unless a "Request for call-in" is made of the Executive decision, by at least two Councillors (who are not members of the Cabinet) or by any two elected Members from a District Committee (who are not members of the Cabinet) where there is a specific local interest in the issues concerned. The "Request for Call In" should state the reason for call-in.
- (c) Once a "Request for Call In" has been received, the five Overview and Scrutiny Chairs will agree which Overview and Scrutiny Committee should hear the callin. That Committee must meet to consider the request. The meeting should take place not later than 15 clear working days after the original publication of the decision.
- (d) It is for the Committee to decide whether to Call In a decision or not. The council does not expect an Overview and Scrutiny Committee to Call In an Executive decision unless one or more of the following criteria applies.

Call-In Criteria

	(a) Is the Executive decision within existing policy?
1	the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies;
2	<i>the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees;</i> Page 20 of 70

3	the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);	
	(b) Is the Executive Decision well-founded?	
4	the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;	
5	the Executive appears to have overlooked some relevant consideration in arriving at its decision;	
6	the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;	
7	the decision appears to be particularly "novel" and therefore likely to set an important precedent;	
8	there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.	
	(c) Has the Executive decision been properly taken?	
9	the decision appears to give rise to significant legal, financial or propriety issues;	
10	the notification of the decision does not appear to have been in accordance with council procedures;	
	(d) Does the Executive decision particularly affect a district?	
11	<i>the decision appears to give rise to significant issues in relation to a particular District.</i>	

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B5 – Cabinet Portfolios

Cabinet comprises of ten Councillors, including the Leader and Deputy Leader:

- Leader
- Deputy Leader
- Cabinet Member Children, Families and Schools
- Cabinet Member Value for Money and Efficiency
- Cabinet Member Transport and Roads
- Cabinet Member Clean Streets, Recycling and Environment
- Cabinet Member Health and Social Care
- Cabinet Member Housing and Homes
- Cabinet Member Jobs and Skills
- Cabinet Member Transparency, Openness and Equality

LEADER'S PORTFOLIO

The Leader has ultimate political responsibility for the Council, and accountability for the following strategic functions:-

Strategic policies	Development and implementation of the Council Business Plan, Budget and Leader's Policy Statement.
Financial strategy	The council's strategic approach to financial resources and budget, including alignment between partners, the BCC General Fund, Housing Revenue Account and capital spending.
Policy and Partnerships	Where appropriate, leadership of city, regional, national, European and international policy, strategic partnerships and appropriate relations with the media.
Major projects	Major physical regeneration and infrastructure projects in the city.
Promotion of the city and Inward Investment	Promotion of Birmingham regionally, nationally and internationally. This includes work with partners such as Marketing Birmingham, the universities and cultural organisations of citywide, regional or national significance. Marketing strategies to encourage investment in Birmingham.
Structure and Governance of the Council	Overall organisational design of the council, including corporate governance arrangements.

Council land use and property assets	Oversight of the council's land use and property strategy and asset management plan including framework for reuse, disposal and requisition of land and property in the council's priorities – including assets of community value. Including oversight of council owned land and property facilities, amenities and services including markets.
Local Government Ombudsman	Appropriate action in response to local government ombudsman reports.
Emergency Planning	Arrangements for the council's response to emergencies.
Combined Authority and the West Midlands Mayoral Combined Authority	Appropriate arrangements for the Council's response and review to changes in the Constitution, consultation and devolution deals. Acting as the main representative for the City Council on the Combined Authority.
Economic growth and jobs	Strategic approach to economic growth and regeneration programmes and strategic planning policy in consultation with the Cabinet Member for Jobs and Skills.
Bereavement Services	Strategic leadership for the development of Cemeteries, Crematoria and Mortuary and Coroners Court Services.
Business Improvement Districts	Partnerships with the Business Improvement Districts, including city centre management opportunities.

DEPUTY LEADER'S PORTFOLIO

The Deputy Leader will act as Council Leader where the Leader is not available and has accountability for the review and improvement of all council services, management of all corporate resources of the council, and oversight of the management of services and delivery of outcomes on:

Finances	Overall financial direction within the Financial Strategy developed by the Leader, including Best Value and appropriate financial, accounting and audit controls and procedures.
Business Change	All major business change programmes.
Performance review and improvement for the council, including	Arrangements to review and improve the performance of services and the delivery of priority outcomes and services for Birmingham residents and businesses.

performance of	
externalised services	Trading Standards, WOCs and Acivico (when Executive decisions needed).
Human Resources	An effective organisational development function for shaping the future workforce of the council.
	Development of effective change/transformational programmes deployed corporately.
	Member development programmes.
	Processes and procedures to support good staff performance development and equality objectives.
	Staffing structures at JNC level and personnel procedures that comply with good practice and natural justice (in consultation with the Leader).
	[The Council Business Management Committee deals with issues around the employment of staff and their terms and conditions of employment].
Communications	Internal and external stakeholder consultation on performance and use of resources.
Risk Management	Policy for risk management and holding officers to account on the management of risks.
Lord Mayor's office	Appropriate support to the Lord Mayor and other holders of civic office.
Revenues and Benefits Service	Effective management of the Revenues and Benefits service.
Sports and Events Development	Development, delivery and promotion of sports, events and festivals.
Arts and Culture	Sustaining and promoting events, including management of grants and the economic opportunities that derive from arts and culture.
The Library of Birmingham and Community Libraries	Oversight of the regional and city-wide role of the Library of Birmingham and the community library service, including both the vital part libraries play in communities, learning and skills.

Museums	Oversight of the provision and activity of the Birmingham Museums Trust.
Safer Communities	Strategic Leadership in relation to Prevent.
Land Use Planning	Local Development Plan, Neighbourhood Plans, Development Briefs and Supplementary Guidance; including advice to planning committee.
Whistleblowing and Corporate Complaints Procedure	To take a corporate lead in relation to Whistleblowing and complaints.

CABINET MEMBER FOR CHILDREN, FAMILIES AND SCHOOLS

The Cabinet Member for Children, Families and Schools has an integrated brief that extends across the educational, safeguarding, social and emotional needs of children and young people. Sustainable improvement of children's safeguarding will be a major focus of this portfolio.

The needs of all children and young people, especially the most disadvantaged and vulnerable children and their families and carers, will be realised through a partnership approach with schools, third sector educational providers and partner organisations.

Children's Services	Needs of all children and young people, especially the most disadvantaged and vulnerable, and their families and carers.
	Political responsibility and accountability for the leadership, strategy and effectiveness of children's services. This includes all responsibilities of the statutory Lead Member for Children role.
Safeguarding Children and Young People	With statutory partners, the safety and wellbeing of all children.
Corporate Parenting	Political leadership on improving the lives of looked after children.
	Ensuring all council members, officers and services understand and actively promote the council's responsibilities to looked after children.
Education and Wellbeing	Political leadership on strategic and statutory duties,

of Children and Young People	including school improvement, special educational needs and disability, early years, school places and travel to and from school.
Domestic Violence	All council activity relating to domestic violence and developing a city-wide domestic violence strategy with partners including advice to the Cabinet Member for Housing and Homes on the provision of accommodation.

CABINET MEMBER VALUE FOR MONEY AND EFFICIENCY

<u>The Cabinet Member will have accountability for the management of all</u> <u>commissioning, procurement, contract compliance and council wide efficiency.</u>

Commissioning	Strategic approach to, and compliance with, the commissioning approach. Ensuring that council commissioning supports its wider social objectives such as employment provision, training, encouraging social enterprise and delivering social cohesion, internally and externally.
Procurement	Oversight of procurement management, including ensuring the development of appropriate approved lists of suppliers.
Contract Management	Strategic approach to and compliance with contract management policy to ensure value for money.
Internal Trading Operations	Effectiveness and holding to account the management of all internal trading operations.
Birmingham Business Charter for Social Responsibility	Application of the Birmingham Business Charter for Social Responsibility that requires contractors to offer, inter alia, local employment and training opportunities, and to adopt the Birmingham Living Wage policy.
Council Wide Efficiency	To take a strategic lead in relation to efficiency across all council services and to foster lean governance in all areas of council work and to promote working relationships with stakeholders and partners.

CABINET MEMBER FOR TRANSPORT AND ROADS

To be responsible for the transport infrastructure, the key highway networks and strategic highway policy, which are key to Birmingham establishing a well-founded reputation as a successful city.

The Cabinet Member has accountability for:

Transport Strategies	Sustainable transportation policy and strategy, programmes, projects and initiatives to improve connectivity and road safety for the city across all modes of travel.
Highways	Strategic highways matters. Maintenance of roads and streets, traffic management and car parks and enforcing rights of way.
Advice to Planning Committee (Highways)	Providing advice, where appropriate, including the effect of proposed developments in relation to roads and transport and working in cooperation with the West Midlands Combined Authority and Mayor in relation to the key route network.

CABINET MEMBER FOR CLEAN STREETS, RECYCLING AND ENVIRONMENT

The Cabinet Member will position Birmingham as a 'Green City' ready for the challenges of the future and with a sustainable infrastructure that supports these objectives through initiatives that are delivered by the city council and also by partner agencies, private and third sector organisations.

Green City	Strategic leadership of the city's sustainability agenda, advising all Cabinet Members of initiatives that need to be taken and particularly in respect of employment, highways, transport, waste recycling and disposal matters, health and housing.
Climate Change	Strategic lead on policy and its implementation to address issues including climate change, carbon reduction, flood management, clean air zones, energy security, fuel poverty, food security and green spaces.

Waste Strategy and Services	Development of a financially and environmentally sustainable waste strategy for the city.
	Collection and sustainable disposal of waste from residential and other properties within the city and street cleansing on operational matters. Promotion of recycling.
	romotor or recycling.
Pest Control	Provision of the Pest Control Service
Cleaner Neighbourhoods	Street Cleaning, Litter prevention, fly tipping, graffiti, placarding.
Local Parks and Allotments	Provision, maintenance and usage of local facilities.

CABINET MEMBER FOR HEALTH AND SOCIAL CARE

The objective of this portfolio is to create a city – where people live long, healthy and independent lives in their own homes, making people responsible for their own care.

The development of the Health and Wellbeing Board, together with the transfer of public health functions from the NHS adds coherence to the policies and actions around the health and wellbeing needs of the residents of Birmingham, across all life stages from young children to older people.

Adult Social Care and Health	Development of the Health and Wellbeing Board and relationships with the NHS and private providers.
	Strategic leadership of social care services and safeguarding for adults.
	Development of an integrated health and social care economy in Birmingham and neighbouring local authorities around the STP.
Public Health	Leadership on public health services, working with the Health and Wellbeing Board to reduce health inequalities.
Healthy Communities	Healthy living through sport and leisure services.

CABINET MEMBER FOR HOUSING AND HOMES

The building of enough houses of the highest quality, and the strong neighbourhoods to go with them, to meet population growth, and so also enable strong economic growth, is the big challenge for the city over the next decade.

Dramatic changes in the local government environment have given greater prominence to questions about the role of communities and, potentially, a radical form of devolution in which the experience of residents is harnessed to understand and drive better services.

Council housing management services	Oversight and direction of estate management services and best use of housing stock (across all housing providers). Repairs and maintenance programmes.
Registered Social Landlords	Liaison with the Birmingham Social Housing Partnership on neighbourhood management initiatives and the housing growth agenda.
Private Rented Sector	Licensing and regulation. Private Tenancy Unit activities.
	Bond and deposit scheme initiatives.
Pre-tenancy Services / Housing Options	Assessing housing need, options for vulnerable adults, children and young people and offenders.
	Temporary accommodation provision / homelessness.
	Initiatives for rough sleepers.
Housing Supply	To review the supply of housing and tenure based on an analysis of housing need including responsibility for BMHT. The Cabinet member will advise the Deputy Leader in relation to housing supply and tenure.

Tenant engagement in social housing	Tenant engagement in the management and development of social housing and Housing Liaison Boards.
Neighbourhood Management	Wider council and public sector integration at the local level.

CABINET MEMBER FOR JOBS AND SKILLS

A successful city is one that has a highly skilled workforce, with access to quality skills and training, to ensure that the learning opportunities within Birmingham are providing for the present and future skills needs of the city, working with the Executive Members for Districts where appropriate.

The Cabinet Member has accountability for:

Skills, expansion for key growth sectors enterprise and innovation	Throughout the council and the city of Birmingham and with local, regional and national partners, develop the skills and employability of Birmingham's workforce, enabling each citizen to realise their potential.
Youth Engagement and Youth Service, along with Lifelong Learning (post 14 skills and adult education)	Clear progression and vocational pathways from education into further and higher education and employment. Provision of all-age guidance, skills development, training and work experience to meet the economic needs of the city now and in the future.
Employment Opportunities	Access to employment, local employment plans.
Skills and Entrepreneurship in Schools	Development of 14-19 career pathways, enterprise and entrepreneurship in Birmingham schools.

CABINET MEMBER FOR TRANSPARENCY, OPENNESS AND EQUALITY

The Cabinet Member will have accountability for ensuring that wherever possible (within the restrictions provided by Statute and Law) all actions taken and services provided by the council are fully transparent to the citizens of Birmingham.

A cohesive society is one which offers opportunities to all its members within a framework of accepted values, removing barriers to access and challenging inequalities. The challenge is to ensure that every Birmingham citizen has access to opportunity across the social and economic life of the city, within a safe city - including in education, employment, housing, health and social care, civil society and political participation – whether these are delivered by the city council itself, partner agencies, or by private or third sector organisations.

The Cabinet Member will also have responsibility for the following:

Smart City	Provide strategic leadership and advising all Cabinet Members of initiatives that need to be taken in relation to the development of world class technological capability and connectivity in Birmingham. In particular extending use of intelligent transport systems and digital technologies for "open access" to support "green and smart" actions.
The services provided to the citizens of Birmingham as the customer	To take a strategic lead in the provision of customer focused City services.
To take a lead on information law and data protection matters	Overall organisation for the Council including Corporate governance arrangement.
To challenge any lack of transparency in all work carried out by the Council.	To ensure transparency in all areas of Council work.
Social Cohesion and Inclusion	Approaches to ensure that all Birmingham citizens have increasing access to opportunity across the social and economic life of the city. Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on social cohesion and inclusion.
Tackling Inequality	Strategic approaches to reduce inequalities including around health, education and employment outcomes; 'access to services'; and participation in civic life. Neighbourhood advice and information services.

	Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on inequalities and inclusion.
Equalities within the Community	Development and promotion of shared values and mutual respect across the diverse communities of Birmingham.
	Ensuring that community and cultural events promote social cohesion and inclusion
External Challenge	Ensuring that partner agencies, private or third sector organisations are challenged on their contribution to improving social cohesion and inequalities.
Safer Communities	Strategic citywide leadership to community safety in Birmingham, including anti-social behaviour, fear of crime and road safety and ensuring effective support for victims of crime.
	Effective relationships and clear shared priorities with the Police and Crime Commissioner and West Midlands Police.
	Leadership on youth offending issues.
	CCTV and liaison with Police.
Third Sector Partnership and Engagement	Working with and coordination of third sector and partner agencies around equalities, cohesion and inclusivity.

BIRMINGHAM CITY COUNCIL

EXECUTIVE REPORTS PROCESS

(applies to Cabinet, Cabinet Committee, District Committee and Ward Forums and Cabinet Member with Chief Officer Joint Reports)

June 2016

EXECUTIVE REPORTS PROCESS

<u>Context</u>

- •
- This process applies to all Executive Reports Cabinet Reports, Cabinet Member/Chief Officer Joint Reports, Cabinet and Committee District and Ward Forums Reports.

• <u>Immediate Changes</u>

- 1. The following process will apply to late reports
 - (a) Committee Services must be advised that a Report is likely to be submitted late before the usual dispatch date for agenda and reports so that these reports can at least be included in the Cabinet/Committee Agenda.
 - (b) **ALL** late reports **MUST** start at the beginning of the report with two separate headings:-
 - (i) REASON FOR LATENESS; and
 - (ii) REASON FOR URGENCY

Unless the reasons given demonstrate "special circumstances" Cabinet/Committee may postpone consideration of the report as is required by law. Please specifically note that a Reason for Lateness suggesting that there simply has not been enough time to finalise the report for a particular Cabinet is NOT a special circumstance. All late reports must be agreed and authorised in writing by the Leader or the Deputy Leader of the Council.

 The Report Checklist (as amended) should be fully completed for all Cabinet, District and Ward Committee Reports. This also applies for Cabinet Member/Chief Officer Joint Reports recording Decisions by them (£200k to £500k (Revenue) or up to £1M (Capital).

Please note that if the checklist is not submitted, fully completed with names and dates, the report will not go forward.

- 3. Cabinet reports and Cabinet Member/Chief Officer Joint reports, need to be signed by the relevant Cabinet Member(s) and the Chief Officer. District Committee and Ward Forum Reports need to be signed by the relevant Executive Member or Ward Forum Chairman, Cabinet Committee Chairman and the relevant Chief Officer.
- 4. All reports are to be presented in Arial script and font size 12. Spacing between lines should be 1.5 and 3.0 between paragraphs. The report should preferably

not exceed 4 pages for the main text.

- 5. The assumption should be that reports are public and only private if expressly agreed by Legal Services.
- 6. There will be greater emphasis on compliance with deadlines. Colleagues are reminded of the importance of instilling good discipline amongst authors and avoiding late reports. Please send cleared reports with the completed Checklist to Committee Services.
- 7. Decisions over £200k are only effective and actionable when posted on the Council's website by Committee Services and following the call-in process.
- 8. Annexed to the Executive Report Process is the Decision Agenda Management Protocol which should be applied by all officers in the writing of Executive Reports.

REVISED REPORT TEMPLATE for ALL EXECUTIVE REPORTS

BIRMINGHAM CITY COUNCIL

PUBLIC OR PRIVATE REPORT

(not for publication)

Report to:	CABINET or DISTRICT COMMITTEE or WARD COMMITTEE or JOINT CABINET MEMBER AND CHIEF OFFICER or JOINT EXECUTIVE MEMBER AND CHIEF OFFICER	Exempt information paragraph number – if private report:
Report of:		
Date of Decision:		
SUBJECT:		
Key Decision: Yes / No	Relevant Forward Plan Ref:	
If not in the Forward Plan:	Chief Executive approved	
(please "X" box)	O&S Chairman approved	
Relevant Cabinet Member(s)		
or Relevant Executive		
Member:		
Relevant O&S Chairman:		
Wards affected:		

(for late reports insert reason for lateness and reason for urgency)

1. Purpose of report:

1.1

1.2

1.3* This matter was not included in the Forward Plan because ... [*insert reasons*] * *To be completed where a key decision was not included in the Forward Plan*

2. Decision(s) recommended:

That the xxxxxxxx (insert decision maker):-

2.1

2.2

2.3

lead	Contact Officer(s):
Leau	
	hone No: il address:
3.	Consultation
	Consultation should include those that have an interest in the decisions recommended
3.1	Internal
3.2	External
4.	Compliance Issues:
4.1	Are the recommended decisions consistent with the Council's policies, plans and strategies?
4.2	<u>Financial Implications</u> (Will decisions be carried out within existing finances and Resources?)
4.3	Legal Implications
4.4	Public Sector Equality Duty (see separate guidance note)

5. Relevant background/chronology of key events:

5.1

5.2

6.	Evaluation of alternative option(s):	
l		
6.1		
6.2		
l		

7.	Reasons for Decision(s):
7.1	
7.2	
1.2	

Signatures	Date	
Cabinet Member or Executive Member or Ward Committee		
Chairman	 	
Chief Officer:	 	

List of Background Documents used to compile this Report:

List of Appendices ac	List of Appendices accompanying this Report (if any):		
1.			
2.			
3.			
4.			
5.			
5.			
Report Version	Dated		
	· · · · · ·		

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	The Council must, in the exercise of its functions, have due regard to the need to:		
	(a)	eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;	
	(b)	advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	
	(c)	foster good relations between persons who share a relevant protected characteristic and persons who do not share it.	
2	a rele	g due regard to the need to advance equality of opportunity between persons who share vant protected characteristic and persons who do not share it involves having due regard, ticular, to the need to:	
	(a)	remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;	
	(b)	take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;	
	(c)	encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.	
3	of pe	teps involved in meeting the needs of disabled persons that are different from the needs rsons who are not disabled include, in particular, steps to take account of disabled ns' disabilities.	
4	protec	g due regard to the need to foster good relations between persons who share a relevant ted characteristic and persons who do not share it involves having due regard, in ular, to the need to:	
	(a)	tackle prejudice, and	
	(b)	promote understanding.	
5	The re	elevant protected characteristics are:	
	(a)	age	
	(b) (c)	disability gender reassignment	
	(d)	pregnancy and maternity	
	(e)	race	
	(f) (g)	religion or belief sex	
	(9)		

(h) sexual orientation

PUBLIC OR PRIVATE REPORT (not for publication)

Report to:		Exempt information paragraph number – if private report:
Report of:		
Date of Decision:		
SUBJECT:		
Key Decision: Yes / No	Relevant Forward Plan Ref:	
If not in the Forward Plan:	Chief Executive approved	
(please "X" box)	O&S Chairman approved	
Relevant Cabinet Member(s)		
or Relevant Executive		
Member:		
Relevant O&S Chairman:		
Wards affected:		

LATE REPORT

* To be completed for all late reports, ie. which cannot be despatched with the agenda papers ie. 5 clear working days notice before meeting.

Reasons for Lateness

[insert reasons]

Reasons for Urgency

[insert reasons]

BIRMINGHAM CITY COUNCIL EXECUTIVE REPORTS CHECKLIST

<u>Report Title:</u> <u>Report version:</u> <u>Cabinet/District/Ward/Joint Cabinet Member and Chief Officer/Joint Executive</u> <u>Member and Chief Officer Report:</u> <u>Report Author:</u>

To be completed in respect of all Cabinet, District and Ward Committee Reports. This also applies for Joint Cabinet Member and Chief Officer Reports.

Committee Services have been instructed to return any Report which does not have a fully completed Checklist attached. The purpose is for the author to indicate who has been consulted in the preparation and clearance of the report and when.

CONSULTATION	Names and dates to be inserted
Has the report been discussed and cleared with:	
(a) Relevant Cabinet Member(s)	
OR	
(b) Relevant District/Ward Committee Chairman	
COMPLIANCE ISSUES	
(c) Has the report been cleared with relevant Strategic Director?	Cleared by:
	Date:
(d) Has report been cleared with the relevant Finance Officer?	Cleared by:
(see over page)	Date:
(e) Has report been cleared with the relevant Directorate Legal Officer?	Cleared by:
(see over page)	Date:
(f) Has the report been cleared with the	Cleared by:
relevant Corporate Procurement Officer? (see over page)	Date:
MEDIA CONSIDERATIONS	
(f) Has relevant Media officer been made aware of report and agreed draft press release/statement?	

cant comments for the attention of r / Chief Executive?
--

RELEVANT FINANCE OFFICERS

PEOPLE DIRECTORATE	David Waller
PLACE DIRECTORATE	Sukvinder Kalsi
ECONOMY DIRECTORATE	Alison Jarrett
CORPORATE COUNCIL WIDE	Jon Warlow, Steve Powell, Sarah Dunlavey

RELEVANT DIRECTORATE LEGAL OFFICERS

People Directorate (Adults)	Charmaine Murray
People Directorate (Children)	Sukhwinder Singh
People Directorate (Education)	Ian Burgess
Place Directorate	Lisa Morgan
Economy Directorate (Regeneration)	Stuart Evans
Economy Directorate	Kate Charlton
(Corporate Employment/Corporate	
HR)	
Economy Directorate	Rob Barker
(Commissioning / Procurement)	
Corporate Council Wide	Kate Charlton/Stuart Evans/Wendy
(or if above unavailable)	Taylor

RELEVANT PROCUREMENT OFFICERS – any can clear reports

AD – Procurement	Nigel Kletz
Head of Procurement Team	Debbie Husler
Head of Strategy & Development	Haydn Brown
Head of Contract Management	Richard Tibbatts
Head of Commissioning Team	Mike Smith

<u>PROTOCOL – CABINET MEMBER/CHIEF OFFICER JOINT</u> <u>REPORTS</u>

These reports will cover more strategic matters and will be completed either at the request of, or in agreement with, the relevant Cabinet Member(s).

Consultation with the Cabinet Member should be continuous from the outset to completion of the final Report.

The process for completion of the Report will usually be as follows but a degree of flexibility is essential to ensure efficiency and effectiveness:

- no Report should be signed off without the Report checklist attached and fully completed (see Executive Reports Protocol)
- all Reports should be from a JNC officer to the Chief Officer and the lead Cabinet Member
- if other Cabinet Members are interested then they should be consulted and their names listed in the relevant 'consultation' section of the Report
- the relevant Overview & Scrutiny Chair should be briefed on the report.
- the lead Cabinet Member should usually sign the report first; no Report will proceed without the signature of the lead Cabinet Member and the Chief Officer
- no one needs to be present when the Cabinet Member / Chief Officer sign the Report but if signatures are such that the name is not clear then the name must be added clearly underneath the signature
- the signed Report with the completed Checklist should then be sent to Committee Services see Executive Reports Protocol
- the Report will be placed on DiB and is subject to the Call-in procedure *before* the decision(s) can be implemented

If the Checklist is not fully and properly completed then the Report will proceed no further and will be returned to the lead contact officer for correction. This is the clear Governance arrangement to ensure probity and lawful decision-making and should protect the report writer, the Chief Officer, the Cabinet Member(s) and therefore the Council.

Monitoring Officer of Birmingham City Council

BIRMINGHAM CITY COUNCIL - REPORT TO COUNCIL BUSINESS MANAGEMENT COMMITTEE MEETING

Report to:	Council Business Management Committee	
Report of:	Angela Probert Strategic Director Change and Support Services	
Date of Meeting:	28 June 2016	

Subject:	Strategic Leadership Capacity for ICT and Digital Services
Relevant Cabinet Member(s):	Leader and Deputy Leader
Wards affected:	None

1 **Purpose of report**

This report sets out the proposals to strengthen the strategic leadership capacity of the Intelligent Client Function in respect of ICT and Digital services, to ensure we take a strategic approach to the future requirements for the Council and the City, through the creation of a new JNC Assistant Director post, reporting directly to the Strategic Director Change and Support Services.

2 Decision(s) recommended

The following actions are agreed:

- 2.1 The establishment of a new JNC senior leadership position; Assistant Director ICT and Digital Services, to create the capacity required for the Council to develop the intelligent client capability and to effectively deliver the future operating model.
- 2.2 Recruitment to the post, however, will not take place until consultation has commenced in respect of the new JNC pay and grading review.
- 2.3 Note the advice in respect of open recruitment outlined in section 4 of this report.

3	Background
3.1	Over the last 6 months it has become evident that the combination of the scale, complexity and pace of change required of the City Council in respect of ICT and Digital Services to effectively deliver the future operating model, means that it is necessary to re-examine the strategic leadership capacity required to secure timely effective and sustainable organisational transformation and service improvement.

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- 3.2 As a consequence of assessing the impacts of the first stage development of the future operating model for ICT and Digital services, including observations and feedback from internal and external customers/partners, it is being identified that the most immediate and significant pressures on strategic capacity are in relation to:
 - Defining and shaping the Council's strategic approach to ICT and Digital services, including governance, assurance, culture change and capability building;
 - Relationship management of the remaining term of the Service Birmingham Contract, which is due to end in 2021 and includes a series of cost reduction proposals;
 - Implementation of the ICT and Digital Strategy; currently in draft and its described outcomes;
 - Technical expertise in the ICT and Digital infrastructure, in order to act as the 'Design Authority' for the Council's ICT and Digital services;
 - Development of a new ICT and Digital operating model for the Council, service users, citizens, partners/stakeholders and the wider community.
- 3.2 The management of the Service Birmingham contract is currently undertaken by the Assistant Director Corporate Procurement.
- 3.3 The key elements of the new role are:
 - To provide visionary strategic leadership for ICT and Digital services for the Council, service users, citizens, partners/stakeholders and for wider community development, that supports current and future business transformation programmes;
 - To define the strategic direction and business priorities for the development of the Council's technology by implementation of an ICT Strategy that enables increased access for service users to services and at the same time develops capability and knowledge within the community, which in turn improves citizen's lives;
 - Continue to work with elected members and portfolio holders to develop and constantly revise service strategies and customer propositions that are consistent with the delivery of the Council's policies;
 - Support the creation of an agile Council, that will help to determine the design, shape, and size of the workforce;
 - To bring a deep knowledge of the current technology landscape and market place to the Council and ensure that it makes the most effective use of modern standards, solutions and good value investment decisions.
 - To work closely with the Assistant Director Corporate Procurement on the effective relationship and contract management of the current Service Birmingham contract and guide the Council in consideration of options for future ICT/digital provision.

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3.4 A draft job description and person specification is attached at Appendix 1. Further technical input is being sought.

4 Human Resource Implications

- 4.1 The newly established post has been job evaluated under the Council's JNC job evaluation scheme and is indicative of an Assistant Director level role. Along with all other JNC roles this post will be subject to review under the new JNC pay and grading scheme. Recruitment to the post, however, will not take place until consultation on the new JNC pay and grading scheme has commenced.
- 4.2 As a deputy Chief Officer role the appointment to the new position is made by the Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions Sub-Committee.
- 4.3 In recognition of the partnership arrangements required in respect of this role, it is proposed that consideration is given to the most appropriate means of ensuring partners and key stakeholders are involved in the selection process. It is also recommended that the services of external search and recruitment partners are procured to ensure a suitable cohort of potential applicants is attained, particularly in relation to the technical ICT and Digital requirements of the role.

5 Financial Implications 5.1 The overall costs of the new proposal is being funded from money allocated by

5.1 The overall costs of the new proposal is being funded from money allocated by the Authority to deliver on-going transformational change and has been incorporated into the City Council's long-term financial plans and addressed as part of setting budgets for future financial years. The budget for the post has been approved by the Strategic Director for Finance and Legal. The current JNC Assistant Director salary range is £78,489 to £87,210 with circa 35% on costs.

6		Legal Implications
6.1		he proposals contained within this report are in line with statutory obligations not the Council's constitution.
7	Ρι	Iblic Sector Equality Duty

7.1 Nothing specific has been identified.

8 Evaluation of alternative option(s):

8.1 The ICT and Digital Services role is currently being undertaken by an interim consultant, whose contract for services runs to the end of July 2016. Outside of this, all existing capability and expertise currently sits within Service Birmingham, from which capacity under the current contract can be brought in. It is therefore Page 53 of 70

necessary to re-examine the strategic leadership capacity required to secure timely effective and sustainable organisational transformation and service improvement in respect of ICT and Digital services for the Council, through the creation of a new JNC post, reporting directly to the Strategic Director for Change and Support Services.

9	Reasons for Decision(s)
9.1	To achieve the required strategic and leadership capacity in respect of ICT and
	Digital Services for the Council and the wider Birmingham community.

Contact Officer(s)

Angela Probert – Strategic Director Change and Support Services.

Signatures	Date
Councillor John Clancy Leader on behalf Chief Offic and Deputy Chief Officer Appointments and Dismiss Service Conditions panel	
Councillor Ian Ward Deputy Leader	
Chief Officer On behalf of Chief Executive Angela Probert Strategic Director Change and Support Services	
Support Services	

List of Appendices accompanying this Report (if any): Appendix 1 – Draft Job Description and Person Specification.



Assistant Director ICT and Digital Services

Reports to:	Strategic Director, Change & Support Services	
Salary:	JNC	
Job purpose:	• To provide visionary strategic leadership for ICT and digital (ICT&D) services for the Council, service users, external partners and for wider community development.	
	 To provide strong leadership and senior- level advocacy for the delivery of technology solutions both ICT and digital – that support the Council's current and future business transformation programmes. 	
	• To define the strategic direction and business priorities for the development of the Council's technology, ensuring that digitally driven solutions and services are fully supported by the right architectures and systems and that dependence on existing legacy systems and contracts is dramatically reduced.	
	• To influence the work with our partners and suppliers, the management of our Operational ICT&D which defines and manages the technology infrastructure on which the business runs in accordance with our statutory and legal obligations and wider government for compliance, security and resilience standards.	
	• To work with business stakeholders to move the organisation to an increasingly agile state of continuous business transformation.	
	• To lead the management and retirement of existing legacy systems while ensuring that core technology services are delivered at a high level of quality for the Council, service users and staff.	
	To oversee the development of future strategy with Service Birmingham.	
	• To bring a deep knowledge of the current technology landscape and market place to the Council and ensure that it makes the most effective use of modern standards and solutions and good value investment decisions.	

- To work with elected Members and portfolio holders to develop and constantly revise service strategies and customer propositions that are consistent with the delivery of Council policies.
- To develop an ICT&D strategy which enables increased access for service users to services and at the same time develops capability and knowledge within the community which in turn improves people's lives.
- To lead and design a sourcing strategy that will go beyond the existing Service Birmingham contract.

Dutles and responsibilities:

The role is to:

- deliver projects or programmes with a strong understanding of agile project management methodologies, change and risk management and the interaction between product development, implementation and support services.
- defining the problem, vision and solution for the business and cultural change required to drive technology transformation, and introducing new processes and procedures to ensure business and service improvements are achieved.
- prioritise and drive the successful delivery of customer focussed programmes and projects within relevant time and cost constraints and to the appropriate level of quality.
- work with the Corporate Leadership Team to shape the Council's strategic approach to ICT and Digital Services, including security, procurement, governance, and capability building.
- build a culture of data-driven delivery within the Council, and ensuring the delivery and iteration of technology services is supported by effective analysis of the financial benefits of taking an agile, open, user-driven approach.
- actively participate in cross-departmental process improvements, ensuring technology is strategically designed and implemented on a directorate, user-focused basis.

- ensure customer focussed service is delivered which constantly seeks to improve service experience for colleagues, members and customers whilst driving efficiency and the effective deployment of sourcing approaches and suppliers.
- influence the recruitment and embedding of a sustainable digital capability across the Council and a complementary culture change strategy to widen all staffs awareness of digital approaches and tools.
- effectively utilise the human, financial and other resources available.
- To support the development of an agile Council, which will help to determine the design, shape, and size of the workforce.
- drive linkages and greater co-ordination with partner organisation's and ensures the city plays a full part in national and regional activities.
- present reports and to represent the Local Authority at Council Committees. Sub-Committees, Constituency and Ward Committees, Working Parties, professional events and other meetings and occasions.
- promote and ensure compliance with all of the City Council's Strategies, Policies and Procedures, including Equal Opportunities, Health and Safety at Work. My Appraisal, Quality, Managing Attendance, etc.
- any other duties commensurate with the grading of the job.
- ICT budget plus internal client function?

Budget and Resources:

Assistant Director ICT and Digital Services

Person Specification

Method of Assessment (MOA) -

AF – APPLICATION FORM; I – INTERVIEW; T – TEST OR EXERCISE; P – PRESENTATION

Criteria	Essential	MOA
Diversity	All BCC employees are expected to understand and be committed to equal opportunities and diversity in employment and service delivery	1& P
Experience (Relevant work and other	 Evidence of exceptional leadership with a proven ability to set a strong direction and convey a persuasive future vision at all levels 	AF & I
experience)	 Experience as a Chief Technology Officer, Chief Information Officer or senior IT Director (or equivalent) and of managing large outsourced contracts 	AF & I
	3. Demonstrable and practical experience at a senior level, in public or private sector, of working with senior colleagues to deliver transformational change to business processes and systems, to deliver cost savings and service improvements for customers	AF& I
	 Experience of leading transformation programmes that has radically improved performance and achieved significant budget savings 	1 & P
	5. Highly articulate and credible at the most senior level across and outside the Council, consistently delivering inspiring, engaging and meaningful messages about the future direction of IT and digital services	AF & I
	6. Digitally literate and capable of effectively engaging with technical staff, suppliers and stakeholders to define the best approach to service design to achieve business/user objectives	AF & I
	 Experience of innovative approaches to sourcing services, and of managing relationships with large suppliers 	AF& I
	 Experience of developing technology strategies and managing the delivery of associated technical services, solutions and architectures and technologies. 	AF & I
	 Understanding and experience of using of agile project management techniques and working practices, open source, cloud platforms and digital services 	AF & I
	 Managing senior stakeholders, both internal and external, and confidence in dealing with, and influencing, senior officials, and producing clear and non-technical advice on complex issues Page 58 of 70 	AF & I

	 Experience of defining system architectures for large, technology –driven organisations Strong estimation and budget scoping skills Demonstrable experience of working with modern network management solutions (MPLS or similar): utility or commoditised hosting environments; cloud-based procurement 	AF & I AF & I AF & I
Skills & Ability e.g. written communication skills, dealing with the public etc.	 Ability to lead major business transformation projects that have delivered major improvements and savings. Ability to create a Council that is viewed as an exemplar of high quality technology transformation across the West Midlands and beyond, making it an enviable environment to work in Excellent communication and presentation skills, adapting style and content to meet the needs of the audience. Ability to scope, plan, manage and co-ordinate projects and programme services to deliver transformational change. Ability to write clear, concise reports and other communications. Ability to successfully persuade and influence others at the highest level. Ability to think strategically, act corporately and respond to corporate challenges. Ability to identify and respond to sensitive complex political and cultural issues relating to the services provided by the Council. Ability to understand and manage complex issues and situations and provide effective solutions or adjustments to service delivery. Ability to show resilience under pressure and the capacity and capability for effective self-management. Ability to manage and monitor performance effectively and set clear objectives and targets for the review of senior level performance Ability to build strong new teams and new approaches to achieve transformational change and accelerate the development process 	I & T P I & T I & T I & P I & T I & T I & T I & T AF & I I & T I & T I & T
Education/ Oualifications NB: Full regard must be paid to overseas qualification	 Qualifications relevant to the role Relevant degree or equivalent qualification and experience. 	AF AF

Values and Behaviours	 We are true to our word: When we make promises we keep them. Makes time to build trusting relationships Makes sure people who are affected are involved and kept well - informed Gives people ongoing feedback that helps them improve their performance Shows s/he believes in what they say Promptly addresses any problems 	AF/T/I/P
	 We act courageously: We lead, we manage and we tackle the difficult issues: every day, every one of us. Unafraid to ask challenging questions Courage to speak out on difficult issues Uses h/her initiative to do something different Has difficult conversations when necessary Embraces new ways of working to encourage change 	AF/T/I/P
	 We put citizens first: We are empathetic and respectful in everything we do. Makes time to listen carefully to people to understand their needs Treats all people with complete respect and understanding Puts themselves in the shoes of the residents to deal with their issues Is a patient and helpful person Always treats people with kindness - 'the human touch' We achieve excellence: We get things right. First time every time. He/she give's their very best every day Looks for ways to keep doing his/her job better Helps other people achieve and celebrate their goals Recognises mistakes and does something to put it right Asks for feedback to improve his or her performance 	AF/T/I/P AF/T/I/P
Leadership Drivers Behaviours for 360	 Asks for feedback to improve his or her performance Shaping the Future: We all share and communicate the same vision for the future council. Ensures people have a clear, shared understanding of the vision for the service Searches for great practices and ideas from outside the council to make BCC even better Ensures people know what steps they'll need to take, to achieve the future vision, achieve outcomes and make a dillerence Achieves a good balance between short-term operational issues and longer term strategic goals Encourages people to try out new ways and ideas to improve things 	AF/T/I/P
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Positive Leadership: We create a climate of positivity that inspires people to do their best work.	AF/T/I/P
 Inspires people to act in the public interest of Birmingham 	
 Makes people teel valued Is visible and accessible to all staff at all levels 	
 Recognises and celebrates progress 	
 Focuses on solutions, rather than problems 	
Promoting Collaboration: We work across and outside the council, to share knowledge and skills, and jointly solve problems.	AF/T/I/P
 Proactively supports and promotes working with people and teams outside his/her own area and council where 	
appropriate	
 Readily collaborates and co-creates with communities, internal & external partners and all staff, to achieve better public autoamon 	
 public outcomes Looks for feedback from others and ways to improve his/her 	
performance	
 Looks for way to create common goals with others outside his/her own area 	
 Actively builds networks across and outside of the council 	
Raising Performance: We create the environment to enable people to be the best they can be.	AF/T/I/P
 Gives people ongoing leedback and coaching that helps them improve their performance 	
 Makes sure people are clear about what he/she expects 	
from them (what "good" or "excellent" looks like)	
 Is clear he/she expects high performance. Will not tolerate average or poor performance 	
 Promptly addresses under performance, when needed 	
 Identifies, attracts, develops and retains exceptional talent 	
Driving Innovation and Improvement: We are relentlessly curious and open to new ways of working to improve the council.	AF/T/I/P
 Welcomes change and responds quickly to changing 	
situations	
 Rigorously focuses resources on the priorities that make the biggest contribution to the future council vision. 	
 biggest contribution to the future council vision Greates a climate where constructive challenge and new 	
ideas are encouraged	
 Always questions if we could do things differently to get 	
 Is open to new ideas, whoever or wherever they come from 	

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	CITY SOLICITOR
Date of Decision:	28 JUNE 2016
SUBJECT:	PETITIONS UPDATE
Wards affected:	ALL

1. Purpose of report:

To update Committee on progress made in responding to petitions presented to full Council

2. Decision(s) recommended:

2.1 The Committee note this quarterly report.

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

Signature: Chief Officer(s): Dated:

List of Appendices:	
None	

List of Background Documents used to compile this Report:

Public Petition Records

3. Relevant background/chronology of key events:

3.1 The current protocol for responding to petitions presented to City Council was agreed by this Committee in May 2007 and is set out below: -

Protocol

- 1. Petition presented at City Council.
- 2. Petition referred to the appropriate Chief Officer for response within 3 working days.
- 3. Chief Officer to write to the Councillor presenting the petition and the first named petitioner to acknowledge receipt within 14 days of the City Council.
- 4. Progress of investigation into petition to be notified by the relevant Chief Officer to Committee Manager for inclusion in the monthly Petitions Update by no later than 10 working days before the next City Council.
- 5. Final response to petition included in Petitions Update by the Committee Manager.
- 6. Chief Officer to notify the Councillor who presented the petition and the first named petitioner of the outcome within 14 days of the relevant City Council meeting discharging the same.
- 3.2 It should be noted that the protocol applies only to petitions sent internally and not to those which are referred to outside bodies for action.

4 Action Taken

- 4.1 In accordance with minute No. 2044 of this Committee the petition schedule has been split into City Council related petitions (currently 32) and those which are the responsibility of external organisations (currently 46).
- 4.2 Of the outstanding City Council related petitions, 5 were presented in 2015 and 27 were presented in 2016.
- 4.3 Since May 2005, 1818 out of a total of 1850 petitions received have been discharged 98%.

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

<u>Tuesday, 12 July 2016 at 1400</u> <u>hours in The Council Chamber,</u> <u>Council House, Birmingham</u>

<u>A G E N D A</u>

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 (<u>www.birminghamnewsroom.com</u>) 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 Meeting of the Council held on 14 June 2016.

(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 <u>PETITIONS (15 minutes)</u>**

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 <u>QUESTION TIME</u> (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) Page 65 of 70

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

6 <u>APPOINTMENTS BY THE COUNCIL (5 minutes)</u>

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

7 EXEMPTION FROM STANDING ORDERS

Councillor Sharon Thompson. to move an exemption from Standing Orders.

<u>Attached</u> 8 <u>REPORT OF COUNCIL BUSINESS MANAGEMENT COMMITTEE (15</u> minutes)

Constitution

(1600-1615) To consider a report of the Council Business Management Committee.

Councillor John Clancy to move the following Motion -

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Attached 9 BIRMINGHAM CHILD POVERTY COMMISSION (20 minutes)

(1615-1635) To consider a report of the Birmingham Child Poverty Commission.

..... to move the following Motion -

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(break 1635-1650)

- Attached 10 EDUCATION SERVICES DELIVERY & IMPROVEMENT PLAN 2016/17 (60 Minutes to be allocated)
- (1650-1750) To consider a report of the Improvement Quartet: Councillor John Clancy, Councillor Brigid Jones, Mark Rogers and Peter Hay

Councillor Brigid Jones to move the following Motion:

••••

<u>Attached</u> 10 <u>REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES</u> (60 minutes may be reduced to 40 minutes)

(1750-1830) Overview and Scrutiny Committees Work Programme

To consider a report of the Committee.

Councillor to move the following Motion:

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Attached 11 <u>MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS</u> (90 minutes)

(1830-2000) To consider the attached Motions of which notice has been given in accordance with Standing Order 4(A).

COUNCIL BUSINESS MANAGEMENT COMMITTEE

28 JUNE 2016

APPOINTMENTS BY THE COUNCIL

Set out below is a recommendation of this Committee relating to appointments etc. to be made by the City Council.

RECOMMENDED:-

That it is recommended to City Council that the following persons be appointed to serve on the Bodies set out below:-

West Midlands Police and Crime Panel

Cllr Waseem Zaffar to replace Cllr John O'Shea as substitute Member

Birmingham to nominate to the West Midlands Joint Committee 1 Labour representative to serve on West Midlands Police and Crime Panel, along with a named substitute.

Member

Substitute

Cllr John O'Shea (Labour)

Cllr Jayne Francis (Labour)