

**BIRMINGHAM CITY COUNCIL**  
**COUNCIL BUSINESS MANAGEMENT COMMITTEE**

**MONDAY, 25 JUNE 2018 AT 14:00 HOURS**  
**IN COMMITTEE ROOM 6, 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     DECLARATIONS OF INTERESTS**

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

**3     APOLOGIES**

To receive any apologies.

**3 - 12**

**4     MINUTES**

To confirm and sign the Minutes of the last meeting.

**13 - 18**

**5     AMENDMENTS TO THE MEMBERS' ALLOWANCE SCHEME**

Report of the City Solicitor.

**19 - 20**

**6     REQUEST TO USE THE COAT OF ARMS**

Report of the City Solicitor.

**21 - 22**

**7     PETITIONS UPDATE**

Report of the City Solicitor.

**23 - 24**

8 **CITY COUNCIL AND CBM FORWARD PLAN - DRAFT**

To inform members of forthcoming items for City Council and Council Business Management Committee meeting agendas

**25 - 26**

9 **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 Labour, Conservative and Liberal Democrat.

10 **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.

11 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

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

# BIRMINGHAM CITY COUNCIL

<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE 29 MAY 2018</b>
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## **MINUTES OF A MEETING OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE HELD ON TUESDAY 29 MAY 2018 AT 1400 HOURS, IN COMMITTEE ROOM 6, THE COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:**

Councillor Brigid Jones in the Chair;

Councillors Robert Alden, Gareth Moore, Martin Straker Welds and Mike Ward.

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### **ABSENCE OF THE CHAIR**

2743 In the absence the Chair, Councillor Brigid Jones assumed the Chair.

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### **NOTICE OF RECORDING**

2744 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.

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### **APPOINTMENT OF COMMITTEE**

2745 The resolution of the City Council passed at the Annual Meeting on 22 May 2018 appointing the Council Business Management Committee and Members for the Municipal Year 2018/2019 with Councillor Ian Ward as Chair was noted.

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### **ELECTION OF DEPUTY CHAIR**

2746 **RESOLVED:-**

That Councillor Brigid Jones be appointed as Deputy Chair for the Municipal Year 2018/19.

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### **APOLOGIES**

2747 Apologies for non-attendance were submitted on behalf of Councillors Kerry Jenkins and Ian ward.

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**DECLARATIONS OF INTEREST**

- 2748 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.

No declarations of interest were made.

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**TERMS OF REFERENCE OF COUNCIL BUSINESS MANAGEMENT COMMITTEE**

The following document was submitted:-

(See document No 1)

- 2749 **RESOLVED:-**

That the Terms of Reference be noted.

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**MINUTES**

- 2750 With reference to the preamble to minute No. 2735, Councillor Robert Alden emphasised that he had not advocated the use of the Birmingham Flag instead of the Coat of Arms as he was not a supporter of the flag which did not get any use, and would prefer the Coat of Arms to be used by the Council. He requested the minute be amended to reflect this.

That, subject to the above amendment, the Minutes of the last meeting held on 8 May 2018 were confirmed and signed by the Chair.

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**DISSOLUTION OF THE WEST MIDLANDS JOINT COMMITTEE**

The following report of the City Solicitor was submitted:-

(See document No 2)

Councillor Robert Alden made reference to paragraph 2.1 and noted that current representation on the West Midlands Joint Committee was the Leader of the Council as voting Member with the Deputy Leader of the Council as substitute voting Member. He was an observer Member and requested that the same political balance be on the West Midlands Shareholders Airport Committee.

The Chair indicated that she had no issues with that and officers undertook to confirm if that was possible.

2751

**RESOLVED:-**

That the Council Business Management Committee recommends to City Council that:

Council agrees to dissolve the West Midlands Joint Committee (the “Committee”). On the dissolution, the powers and functions of the Committee will be determined in a manner agreed by each constituent local authority (as set out in Appendix 1 to this report).

Council agrees to the establishment of a new Joint Executive Committee with the other six Councils within the West Midlands for the purpose of airport decisions, known as the West Midlands Shareholders Airport Committee, as set out in Appendix 2 to this report.

Council agrees the following appointments:

- The appointment of Cllr ----- as voting member on West Midlands Shareholders Airport Committee
- The appointment of Cllr..... and Cllr..... as observers to attend each year one of the scheduled meetings of the West Midlands Shareholders Airport Committee

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**AMENDMENTS TO THE MEMBER'S ALLOWANCE SCHEME**

The following report of the report of the City Solicitor was submitted:-

(See document No 3)

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

The Chair made reference to shared parental leave and requested that provision for that to be made in the members' scheme based on the employee scheme. She continued by seeking clarification as to the mechanics of Council Business Management Committee giving dispensation as the scheme should be in line with the rights of employees.

During further debate it was noted that Council Business Management Committee would consider each case but additional wording should be added to indicate that the presumption was that an extension to the time would be made. It was agreed that the wording relating to shared parental leave should be taken from the staff policy.

It was agreed that the matter be deferred and a further report be submitted to the next meeting.

2752

**RESOLVED:-**

That consideration of the report be deferred and a further report incorporating the changes made in the foregoing preamble be submitted to the next meeting.

**APPOINTMENT OF SUB-COMMITTEES AND OTHER BODIES**

The following report of the City Solicitor was submitted:-

(See document No 4)

**A. EDUCATION AWARDS (REVIEW) SUB-COMMITTEE**

2753

**RESOLVED:-**

- (i) That an Education Awards (Review) Sub-Committee be appointed for the Municipal Year 2018/2019 with a quorum of 3 and with the following functions:-

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

- (ii) that the following Councillors be appointed to serve on the Sub-Committee for the Municipal Year 2018/2019 with Councillor Diane Donaldson as Chair:

Councillor Diane Donaldson	(Lab)
Councillor Alex Aitken	(Lab)
Councillor Chauhdry Rashid	(Lab)
Councillor Matt Bennett	(Con)
Councillor Mike Ward	(Lib Dem)

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**B. MISCELLANEOUS APPEALS SUB-COMMITTEE**

2754

**RESOLVED:-**

- (i) That a Miscellaneous Appeals Sub-Committee be appointed for the Municipal Year 2018/2019 with a quorum of 3 and 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 2018/2019 with Councillor Marje Bridle as Chair:

Councillor Marje Bridle	(Lab)
Councillor Mike Leddy	(Lab)
Councillor Shafique Shah	(Lab)
Councillor Gareth Moore	(Con)
Councillor Neil Eustace	(Lib Dem)

**C. ELECTION MATTERS MEMBERS FORUM**

2755

**RESOLVED:-**

- (i) That for the Municipal Year 2018/2019 the Election Matters Members Forum be outside of proportionality requirements;
- (ii) that an Election Matters Members Forum be appointed for the Municipal Year 2018/2019 with a quorum of 3 and 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; and
- (iii) that the following Councillors be appointed to serve on the Sub-Committee for the Municipal Year 2018/2019 with Councillor Ian Ward as Chair:

Councillor Mahmood Hussain	(Lab)
Councillor Brigid Jones	(Lab)
Councillor Ian Ward	(Lab)
Councillor Martin Straker Welds	(Lab)
Councillor Robert Alden	(Con)
Councillor Timothy Huxtable	(Con)
Councillor Jon Hunt	(Lib Dem)

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**D. LORD MAYOR'S ADVISORY GROUP**

2756

**RESOLVED:-**

- (i) That a Lord Mayor's Advisory Group be appointed for the Municipal Year 2018/2019 with a quorum of 3 and 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 2018/2019 with Councillor Shafique Shah as Chair:

Councillor John Lines	(Con)
Councillor Carl Rice	(Lab)
Councillor Shafique Shah	(Lab)
Councillor Mike Leddy	(Lab)

Councillor Martin Straker Welds	(Lab)
Councillor Gareth Moore	(Con)
Councillor Mike Ward	(Lib Dem)

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**E. CHIEF OFFICER AND DEPUTY CHIEF OFFICER APPOINTMENTS, DISMISSALS AND SERVICE CONDITIONS SUB-COMMITTEE**

2757

**RESOLVED:-**

- (i) That a Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions Sub-Committee be appointed for the Municipal Year 2018/2019 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 2018/2019 with Councillor Ian Ward as Chair:

Councillor Ian Ward	(Lab)
Councillor Brigid Jones	(Lab)
Councillor	(Lab) to be appointed dependent on the Directorate to which the Post relates
Councillor Robert Alden	(Con)
Councillor Jon Hunt	(Lib Dem)

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**F. PERSONNEL APPEALS (DISMISSALS) SUB-COMMITTEE**

2758

**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 2019/2020 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.
- (ii) 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 2019/2020:

Cllr Mahmmod Hussain (Lab)  
Cllr Mohammed Idrees (Lab)  
Cllr Julie Johnson (Lab)  
Cllr Mariam Khan (Lab)  
Cllr Mike Leddy (Lab)  
Cllr Mary Locke (Lab)  
Cllr Sybil Spence (Lab)  
Cllr Ken Wood (Con)  
Cllr Gary Sambrook (Con)  
Cllr Maureen Cornish (Con)  
Cllr Mike Ward (Lib Dem)

Councillors Mike Leddy, Mariam Khan and Mahmood Hussain appointed as Chairs

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**G. COMMONWEALTH GAMES MEMBER ADVISORY BOARD**

2759

**RESOLVED:-**

- (i) That a Commonwealth Games Member Advisory Board be appointed for the Municipal Year 2018/2019 with the Terms of Reference as agreed by the Board and to make recommendations to Cabinet.
- (ii) that the following Councillors be appointed to serve on the Advisory Board for the Municipal Year 2018/2019

Cllr Ian Ward	(Lab)
Cllr Brigid Jones	(Lab)
Cllr Waseem Zaffar	(Lab)
Cllr Peter Griffiths	(Lab)
Cllr Lucy Seymour-Smith	(Lab)
Cllr Debbie Clancy	(Con)
Cllr Alex Yip	(Con)
Cllr Jon Hunt	(Lib Dem)

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**H. COUNCIL HOUSE CROSS PARTY WORKING GROUP**

2760

**RESOLVED:-**

- (i) That a Council House Cross Party Working Group be appointed for the Municipal Year 2018/2019 to act as a review group in relation to the proposed works to the Council House complex.
- (ii) that the following Councillors be appointed to serve on the Working Group for the Municipal Year 2018/2019

Cllr Ian Ward	(Lab)
Cllr Brigid Jones	(Lab)
Cllr Nagina Kauser	(Lab)
Cllr Robert Alden	(Con)
Cllr Paul Tilsley	(Lib Dem)

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**REQUEST FOR THE USE OF THE COAT OF ARMS**

The following report of the City Solicitor was submitted:-

(See document No 5)

The Committee was advised that the applicant had not responded to requests to confirm if they were being paid in respect of the tours and how the Coat of Arms would be used on social media. In light of that information the Committee agreed to defer consideration of the report until such time as the information was forthcoming.

2761

**RESOLVED:-**

That consideration of the report be deferred until such time as the information requested was provided.

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

The following schedule was submitted:-

(See document No 6)

2762

**RESOLVED:-**

That the Order of 'Notices of Motion' at City Council for 2018/2019 as set out on the schedule be agreed.

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**COUNCIL AGENDA FOR THE NEXT MEETING**

The following draft agenda was submitted:-

(See document No 7)

It was noted that reference to Assistant Leaders and District Committee Chairman should be removed. Councillor Diane Donaldson should read Councillor Martin Straker Welds.

It was further noted that agenda item 10 relating to Amendments to the Members' Allowance Scheme should be deleted in light of the decision made earlier in the meeting.

2763

**RESOLVED:-**

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

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**COUNCIL BUSINESS MANAGEMENT COMMITTEE DATES FOR 2018/2019**

2764

**RESOLVED:-**

That the following dates for Council Business Management Committee meetings in 2018/2019 be agreed:-

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

<u>2018</u>	<u>2019</u>
25 June	21 January
28 August (Tuesday)	11 February
22 October	18 March
19 November	7 May (Tuesday)
17 December	

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**OTHER URGENT BUSINESS**

2765 There was no other urgent business.

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**AUTHORITY TO CHAIR AND OFFICERS**

2766 **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.

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The meeting ended at 1427 hours.

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CHAIR

<b>Report to:</b>	<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE</b>
<b>Report of:</b>	<b>CITY SOLICITOR</b>
<b>Date of Meeting:</b>	<b>25 JUNE 2018</b>
<b>Subject:</b>	<b>AMENDMENTS TO THE MEMBERS' ALLOWANCE SCHEME</b>
<b>Wards affected:</b>	<b>N/A</b>

<b>1. Purpose of report:</b>	
1.1	To consider amendments to the Members' Allowance Scheme to allow parental leave for councillors, following recommendations by the Independent Remuneration Panel agreed by City Council on 13 March 2018.

<b>2. Decision(s) recommended:</b>	
2.1	That the Council's Business Management Committee recommends the following motion to the City Council: That the Members' Allowance Scheme is amended as set out in Appendix 1 to allow parental leave for councillors, following recommendations by the Independent Remuneration Panel agreed by City Council on 13 March 2018.

<b>Contact Officer:</b>	Emma Williamson, Head of Scrutiny Services
<b>Telephone no/e-mail address:</b>	0121 464 6870 emma.williamson@birmingham.gov.uk

<b>3. Relevant background/chronology of key events</b>	
3.1	A member who is absent from all meetings of the Council and any committees of which they are a member for a period of six months automatically ceases to be a Member of the Council unless they have been given leave of absence by the Council before the expiry of that six month period (s.85 Local Government Act 1972). The responsibility for compliance with these requirements lies with the individual councillor.
3.2	In Birmingham, questions were raised by members as to what provision could or should be made for those members who wished to take maternity, paternity or adoption leave.
3.3	The Independent Remuneration Panel considered the issue, and in March 2018 made the following recommendations: <i>The City Council brings in a policy for maternity, paternity and adoption leave for elected members, covering both the Basic Allowance and the Special Responsibility Allowance.</i> <ul style="list-style-type: none"> <li>• <i>The Panel recommends that Members shall continue to receive their Basic Allowance in full during parental leave for six months subject to review and possible six month extension. If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.</i></li> <li>• <i>The Panel recommends that Members entitled to a Special Responsibility Allowance continue to receive this allowance during parental leave in line with the City Council employee policy (i.e. for weeks 1 to 6, 90% of the SRA, and weeks 7 to 18, 50% of the SRA). If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.</i></li> </ul>

3.4 These recommendations were accepted by City Council on 13 March 2018. This report brings forward the consequent amendments to the Members' Allowance Scheme.

3.5 Appendix 1 sets out the amendments in detail; a summary is set out below:

**Basic Allowance**

3.6 The policy of the City Council shall be that all Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave for six months subject to dispensation from CBM and with a presumption of a further six month extension if requested.

3.7 If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.

**Special Responsibility Allowance**

3.8 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and adoption leave in the same way that the Council's employees enjoy such benefits; i.e.:

Members on *maternity leave* would be entitled to 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (as of June 2018) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

A Member is entitled to take two weeks ordinary *paternity leave* if they meet the criteria for paternity leave as set out in the appendix. During ordinary paternity leave the Member will continue to receive a full basic allowance and any relevant SRA.

Members who are newly matched with a child by an adoption agency are entitled to leave. The nominated adopter is entitled to *adoptive parents' pay*: 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (as of June 2018) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

*Shared parental leave* is also available.

3.9 The scheme shall be updated in line with any changes to the employee scheme.

3.10 If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of a party group position, the party group) the replacement will be entitled to receive an SRA.

3.11 If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.

**Signature:**

**Chief Officer:**  
**KATE CHARLTON, CITY SOLICITOR**

## **Amendments to the Members' Allowance Scheme**

Insertion: new section 4 on page 5

### **4. MATERNITY, PATERNITY AND ADOPTION PAY**

#### ***4.1 Basic Allowance***

All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave for six months subject to review, with a presumption that this will be extended for another six months if requested in accordance with the statutory provisions on basic allowance. Each case must be brought to CBM for the necessary dispensation.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.

#### ***4.2 Special Responsibility Allowance***

Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and adoption leave in the same way that the Council's employees enjoy such benefits; i.e.:

##### ***Maternity Leave:***

Members on maternity leave would be entitled to 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (April 2018 rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

##### ***Paternity Leave:***

A Member is entitled to take two weeks ordinary paternity leave if they are the biological father or nominated carer of their partner following the birth or adoption of their child(ren), are married to or are the partner or civil partner of the mother or co-adopter; and they have the main responsibility for the child's upbringing during the period of leave. During ordinary paternity leave the Member will continue to receive a full basic allowance and any relevant SRA.

##### ***Adoptive Parents Leave:***

Members who are newly matched with a child by an adoption agency are entitled to leave. The nominated adopter is entitled to adoptive parents' pay: 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (April 2018 rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

### *Shared Parental Leave:*

Shared Parental Leave (SPL) enables eligible parents (including same sex) to choose how to share the care of their child during the first year following birth or placement for adoption. It applies to parents of babies due to be born/children placed for adoption via an adoption agency, on or after 5 April 2015.

SPL can only be used by up to two people in relation to each child:

- The mother/adopter of the child **and**
- One of the following:
  - the biological father of the child or
  - the person who, at the time of the birth, is married to, or the civil partner or partner (including a same sex partner) of the mother. A partner is defined as a person who lives with the mother and the child in an enduring family relationship but is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

BCC does not provide an occupational shared parental pay scheme for employees; any statutory pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year. Therefore, members who are eligible for shared parental leave will receive the statutory amount (which as of April 2018 is £145.18 per week for statutory maternity and paternity pay), or at 90% of the SRA, if this figure is lower than the Government's set weekly rate, for the 39 weeks statutory maternity leave available. The remaining 13 weeks of shared parental leave are unpaid.

### *Summary*

Each case must be brought to a private session of CBM for the necessary dispensation. Prior to this, eligibility for parental leave and/or allowances will be verified with Member Services. The scheme shall be updated in line with any changes to the employee scheme.

If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of a party group position, the party group) the replacement will be entitled to receive an SRA.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.



## **Amendments to the Members' Allowance Scheme**

Insertion: new section 4 on page 5

### **4. MATERNITY, PATERNITY AND ADOPTION PAY**

#### ***4.1 Basic Allowance***

All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave for six months subject to review, with a presumption that this will be extended for another six months if requested in accordance with the statutory provisions on basic allowance. Each case must be brought to CBM for the necessary dispensation.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.

#### ***4.2 Special Responsibility Allowance***

Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and adoption leave in the same way that the Council's employees enjoy such benefits; i.e.:

##### ***Maternity Leave:***

Members on maternity leave would be entitled to 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (April 2018 rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

##### ***Paternity Leave:***

A Member is entitled to take two weeks ordinary paternity leave if they are the biological father or nominated carer of their partner following the birth or adoption of their child(ren), are married to or are the partner or civil partner of the mother or co-adopter; and they have the main responsibility for the child's upbringing during the period of leave. During ordinary paternity leave the Member will continue to receive a full basic allowance and any relevant SRA.

##### ***Adoptive Parents Leave:***

Members who are newly matched with a child by an adoption agency are entitled to leave. The nominated adopter is entitled to adoptive parents' pay: 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (April 2018 rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

### *Shared Parental Leave:*

Shared Parental Leave (SPL) enables eligible parents (including same sex) to choose how to share the care of their child during the first year following birth or placement for adoption. It applies to parents of babies due to be born/children placed for adoption via an adoption agency, on or after 5 April 2015.

SPL can only be used by up to two people in relation to each child:

- The mother/adopter of the child **and**
- One of the following:
  - the biological father of the child or
  - the person who, at the time of the birth, is married to, or the civil partner or partner (including a same sex partner) of the mother. A partner is defined as a person who lives with the mother and the child in an enduring family relationship but is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

BCC does not provide an occupational shared parental pay scheme for employees; any statutory pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year. Therefore, members who are eligible for shared parental leave and are in receipt of an SRA will receive the statutory amount (which as of April 2018 is £145.18 per week for statutory maternity and paternity pay); or at 90% of the SRA, if this figure is lower than the Government's set weekly rate, for the 39 weeks statutory maternity leave available. The remaining 13 weeks of shared parental leave are unpaid.

### *Summary*

Each case must be brought to a private session of CBM for the necessary dispensation. Prior to this, eligibility for parental leave and/or allowances will be verified with Member Services. The scheme shall be updated in line with any changes to the employee scheme.

If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of a party group position, the party group) the replacement will be entitled to receive an SRA. In order to comply with the Local Government Act 2000 restrictions on the number of members of the Executive, if a replacement is taking those Executive responsibilities, then the member on maternity/adoption leave will not be a member of the Executive for that period and will not be able to take executive decisions.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.

**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE</b>
<b>Report of:</b> <b>Date of Decision:</b>	<b>CITY SOLICITOR</b> <b>25 JUNE 2018</b>
<b>SUBJECT:</b>	<b>REQUEST FOR THE USE OF THE COAT OF ARMS</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
1.1 To consider an application by Albert Town Council (France) for the use of the Coat of Arms on promotional material.

<b>2. Decision(s) recommended:</b>
2.1 The Committee is asked to determine the application.

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

<b>Signature:</b>  Chief Officer(s):  Dated:
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<b>List of Background Documents used to compile this Report:</b>
Email from Email from the Lord Mayor's office .

<b>List of Appendices:</b>
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none

### **3. Relevant background/chronology of key events:**

#### **Request for the Use of the Coat of Arms by Albert Town Council**

- 3.1 The Leader and Lord Mayor will be visiting Albert in France in 2019 to take part in a celebration of the rebuilding of Albert after the war and the contribution of Albert's 'War Godmother Cities', of which Birmingham is one.
- 3.2 Albert Town Council would like to use the Birmingham Coat of Arms on promotional material that would highlight the strong and important relationship between Birmingham and Albert.
- 3.3 The Coat of Arms has been used similarly in the past by Albert, as well other cities such as Chicago, Frankfurt and Guangzhou in promoting links with Birmingham.

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

- 3.4 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.”
- 3.5 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.

**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE</b>
<b>Report of:</b>	<b>CITY SOLICITOR</b>
<b>Date of Decision:</b>	<b>25 JUNE 2018</b>
<b>SUBJECT:</b>	<b>PETITIONS UPDATE</b>
<b>Wards affected:</b>	<b>ALL</b>

<b>1. Purpose of report:</b>
To update Committee on progress made in responding to petitions presented to full Council

<b>2. Decision(s) recommended:</b>
2.1 The Committee note this quarterly report.

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

<b>Signature:</b>
Chief Officer(s):
Dated:

<b>List of Appendices:</b>
None

<b>List of Background Documents used to compile this Report:</b>
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 Strategic Director for response within 3 working days.
  3. Strategic Director 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 Strategic Director 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 43) and those which are the responsibility of external organisations (currently 54).
- 4.2 Of the outstanding City Council related petitions, 2 were presented in 2016, 9 were presented in 2017 and 32 were presented in 2018.
- 4.3 Since May 2005, 2007 out of a total of 2050 City Council related petitions received have been discharged – 98%.



## CITY COUNCIL FORWARD PLAN 2018/19 – DRAFT

To include:

- *Policy framework plans*
- *Executive and Scrutiny reports*
- *Appointments*

CBM	
25 June 2018	Recommendation to amend the Members' Allowance Scheme
	Petitions Update
28 August 2018	Recommendation to appoint co-opted members (Independent Remuneration Panel)
	Overseas Travel and Inward Delegations From Abroad
	Petitions Update
22 October 2018	Overseas Travel and Inward Delegations From Abroad
19 November 2018	Lord Mayoralty Formula (for next three years)
17 December 2018	Petitions Update

City Council	
10 July 2018	Amendments to the Members' Allowance Scheme
	Scrutiny Annual Report 2017/18
11 September 2018	Appointment of co-opted members (Independent Remuneration Panel)
	Overview and Scrutiny: Sustainability & Transport O&S Committee ( <i>flooding</i> )
6 November 2018	
4 December 2018	
15 January 2019	

CBM	
21 January 2019	Overseas Travel and Inward Delegations From Abroad
11 February 2019	Provisional City Council and CBM dates for 2019/20
18 March 2019	Annual Report of the Independent Remuneration Panel
	Annual Standards Committee Report
	Petitions Update
7 May 2019	Proportionality
	City Council Appointments
	Annual Review of the City Council's Constitution
	Overseas Travel and Inward Delegations From Abroad
(tbc) May 2019	Appointment of Sub-Committee and Other Bodies - Personnel Appeals Committee
	Order of Notices of Motion at City Council

City Council	
5 February 2019	
26 February 2019	Annual Budget Meeting
2 April 2019	Annual Report of the Independent Remuneration Panel
21 May 2019	Annual General Meeting <ul style="list-style-type: none"> <li>• Election of Lord Mayor</li> <li>• Annual appointments</li> <li>• Annual review of the Constitution</li> </ul>
(tbc) June 2019	

**Four Yearly items:**

Appointment to the Roll of Honorary Alderman

Appointment of the Leader



# **BIRMINGHAM CITY COUNCIL**

## **CITY COUNCIL**

**Tuesday, 10 July 2018 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.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public may record and take photographs 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 12 June 2018.

### **3 LORD MAYOR'S ANNOUNCEMENTS**

**(1400-1410)**

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

### **4 PETITIONS**

**(15 minutes allocated) (1410-1425)**

To receive and deal with petitions in accordance with Standing Order 9.

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.

### **5 QUESTION TIME**

**(90 minutes allocated) (1425-1555)**

To deal with oral questions in accordance with Standing Order 10.3

A. Questions from Members of the Public to any Cabinet Member or Ward Forum Chairman (20 minutes)

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

C. Questions from Councillors other than Cabinet Members to a Cabinet Member (25 minutes)

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

**6     APPOINTMENTS BY THE COUNCIL**

**(5 minutes allocated) (1555-1600)**

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

**7     EXEMPTION FROM STANDING ORDERS**

Councillor Martin Straker Welds to move an exemption from Standing Orders.

**Attached     8     AMENDMENTS TO THE MEMBERS' ALLOWANCE SCHEME**

**(15 minutes allocated) (1600-1615)**

To consider a report of the Council Business Management Committee.

**The Leader Councillor Ian Ward to move the following Motion:**

“ ”

(break 1615 -1645)

**Attached     9     REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES**

**(60 minutes allocated) (1645-1745)**

**Overview and Scrutiny Work Programme for 2018/19**

To consider a report of the Chairs of Overview and Scrutiny Committees.

**Councillor John Cotton to move the following Motion:**

“ “

**Attached     10     MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

**(90 minutes) (1745-1915)**

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