

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

**BIRMINGHAM CITY COUNCIL**

**COUNCIL BUSINESS MANAGEMENT COMMITTEE**

**TUESDAY, 22 MARCH 2016 AT 12:00 HOURS**  
**IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**A G E N D A**

1 **NOTICE OF RECORDING**

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

2 **APOLOGIES**

To receive any apologies.

**3 - 8**

3 **MINUTES**

To note the public section of the Minutes of the last meeting.

**9 - 10**

4 **DISQUALIFICATION OF A COUNCILLOR**

Report of the City Solicitor.

**11 - 14**

5 **INDEPENDENT REMUNERATION PANEL - MEMBERSHIP**

Report of the City Solicitor

**15 - 28**

6 **ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Report of the City Solicitor

**29 - 34**

7 **ANNUAL REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE**

Report of the Chairman of the Standards Committee.

**35 - 36**

8 **PETITIONS UPDATE**

Report of City Solicitor.

**37 - 40**

9 **COUNCIL AGENDA FOR THE NEXT MEETING**

To consider the Council agenda for the next meeting.

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 Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

12 **EXCLUSION OF THE PUBLIC**

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

Minutes (Paragraphs 1 and 4)

**P R I V A T E   A G E N D A**

13 **MINUTES**

To note the private section of the minutes of the last meeting and confirm and sign the Minutes as a whole.

14 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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.

# BIRMINGHAM CITY COUNCIL

<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE 16 FEBRUARY 2016</b>
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## **MINUTES OF A MEETING OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE HELD ON TUESDAY 16 FEBRUARY 2016 AT 1200 HOURS, IN COMMITTEE ROOM 2, THE COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:**

Councillor John Clancy in the Chair;

Councillors Robert Alden, Mohammed Idrees, Hendrina Quinnen, Sharon Thompson, Anne Underwood, Ian Ward and Mike Ward.

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### **NOTICE OF RECORDING**

- 2463      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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### **APOLOGIES**

- 2464      Apologies for lateness were submitted on behalf of Councillors Sharon Thompson and Anne Underwood.
- 

### **MINUTES**

- 2465      The Minutes of the last meeting held on 19 January 2016 were confirmed and signed by the Chair.
- 

### **LIVING WAGE**

The following report of the Chief Executive was submitted:-

(See document No 1)

Claire Ward, Assistant Director, made introductory comments relating to the report and, in response to a question from Councillor Robert Alden, confirmed the proposals would cover both school and council staff.

2466

**RESOLVED:-**

That the proposal to increase the Living Wage supplement so, that with effect from 1 April 2016, all Council employees are paid a minimum of £8.25 per hour be agreed.

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**PROVISIONAL CITY COUNCIL AND COUNCIL BUSINESS MANAGEMENT COMMITTEE DATES 2016/2017**

The following report of the City Solicitor was submitted:-

(See document No 2)

Councillor Mike Ward suggested that it be considered whether City Council meetings could be held bi-monthly.

Councillor Ian Ward noted that the CBM date of 31 May 2016 was the Tuesday after a bank holiday and he suggested that the meeting be moved to 1 June 2016 to be consistent with the August date which was agreed.

2467

**RESOLVED:-**

- (i) That the following provisional dates for meetings of City Council in 2016/201 be agreed:

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

<b><u>2016</u></b>	<b><u>2017</u></b>
14 June	10 January
12 July	7 February
13 September	28 February
1 November	4 April
6 December	23 May (Annual meeting 1600 hrs)

- (ii) that the following dates for Council Business Management Committee meetings in 2016/2017 be agreed:

To be held on Tuesdays at 1200 hours unless otherwise stated.

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

(NB After the meeting it was subsequently identified that there was an error in the report and the CBM date of 1 September 2016 (Wednesday) should have

read 31 August 2016. The above resolution has been amended for ease of reference)

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**COUNCIL AGENDA FOR THE NEXT MEETING**

The following draft agenda was submitted:-

(See document No 3)

Councillor Robert Alden suggested that there was insufficient time for consideration of agenda 7 relating to the creation of the Combined Authority and felt that the matter be considered at the April meeting as he did not wish to reduce the time for the Budget debate.

The Chief Executive explained that amongst the West Midlands Authorities there was an agreement that the appropriate decisions would be made in March. He added that the report was complementary to the budget process. During further comment the Chair indicated that it would be appropriate for the agenda item to remain on the agenda as it was important for Birmingham to be seen to be making the decision in March.

It was further noted that reference to Councillor Valerie Seabright on the agenda should be replaced by Councillor Sharon Thompson and that agenda item 8 is allocated 5 minutes not 15 minutes as stated on the agenda.

It was-

2468

**RESOLVED:-**

That, subject to the amendment referred to in the foregoing preamble, the draft agenda be noted.

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**OTHER URGENT BUSINESS**

The Chair was of the opinion that the following items be considered as matters of urgency in order to expedite consideration thereof and instruct officers to act if necessary.

**A. Proposed Changes to the Constitution**

The following report of the City Solicitor was submitted:-

(See document No 4)

Stuart Evans, City Solicitor, made introductory comments relating to the report.

Councillor Robert Alden did not agree with the proposal as he had concerns that it would raise the limit £2.5m to £10m. He felt that such amounts should not be approved by officers without Members having the opportunity to consider it.

Councillor Ian Ward noted that the proposal would not prevent Member involvement as report listing decisions would be made available and could be called in.

Councillor Alden noted that at that at that stage in the process the decision was already signed off he went on to make reference to the fact that there was also a tolerance of 18% included.

Officers responded to the debate by explaining the new procedures in particular the tolerance figures

The recommendations were put to the meeting and, by 5 votes for to 3 votes against, it was-

2469

**RESOLVED:-**

- (i) That the proposed changes to the City Council's Constitution set out in paragraph 3 and the appendices to this report be approved; and
- (ii) that the inclusion of this report and appendices in the full agenda for the full Council meeting on 1 March 2016 be approved.

Councillors Robert Alden, Anne Underwood and Mike Ward wished to be recorded as having voted against the above resolution)

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**B. Creation of Combined Authority and West Midlands Devolution Agreement**

The following report of the Chief Executive was submitted:-

(See document No 5)

The Chief Executive and Tony Smith, Policy Executive, made introductory comments relating to the report and, in response to a comment from Councillor that it was inappropriate for delegations to be made to the Chief Executive and the Leader as set out in paragraph 3.8 of the report as he felt that should be a matter for consideration by Members, highlighted timetabling and technical issues. In particular the order creating the post of elected mayor and the election in May 2017 was approved as part of the devolution agreement.

Councillor Robert Alden reiterated his concerns and the City Solicitor indicated that officers would review the wording in paragraph 3.8 and amend accordingly.

2470

**RESOLVED:-**

That the inclusion of the following reports and motions in the agenda for the full City Council meeting on 1 March 2016 be approved:

- Approval to the order for the West Midlands Combined Authority and delegation of Authority to the Chief Executive in consultation with the Leader to approve any minor amendments that may be necessary

- Note the contents of the draft Combined Authority Constitution.
  - Approval to the West Midlands Devolution Agreement and delegation to the Chief Executive, acting in consultation with the Leader to give any consequential consents required by the Secretary of State to bring about its implementation.
- 

**C. Salary Submission from Senior Coroner for Birmingham and Solihull**

The following report of the Acting Strategic Director Place was submitted:-

(See document No 6)

2471

**RESOLVED:-**

That the report be noted.

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**D. Committee Management Information System (CMIS)**

2472

Councillor Mike Ward commented that on CMIS documents relating to meetings before 15 June 2015 were all private and therefore not accessible unless officers were contacted to release them. He sought assurances that this would be changed.

The Committee was advised that when CMIS was introduced to replace the previous system, which was no longer supported, it was found that the old documents could not be made public without officer input. Whilst there was the possibility that all documents could be transferred there would be a cost. Officers could deal with the 3-4 requests a month from members of the public.

The Chair expressed concern and felt immediate access should be made.

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**AUTHORITY TO CHAIR AND OFFICERS**

2473

**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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**EXCLUSION OF THE PUBLIC**

2474

**RESOLVED:**

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

(Paragraphs 1 and 4)





**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>22 March 2016</b>
<b>SUBJECT:</b>	<b>DISQUALIFICATION OF A COUNCILLOR</b>
<b>Ward:</b>	<b>BOURNVILLE</b>

<b>1. Purpose of report:</b>
1.1 To note that Councillor Walkling in accordance with section 85 of the Local Government Act 1972 should be disqualified as the local Councillor for the Bournville Ward.

<b>2. Recommendations :</b>
2.1 To note that in accordance with section 85(i) of the Local Government Act 1972, Councillor Walking should be disqualified from the date of this Report as local Councillor for the Bournville Ward and that the Chief Executive should be requested in accordance with section 85(i) of the Local Government Act 1972 to formally write to Councillor Walkling to confirm this.

<b>Lead Contact Officer(s):</b>	Stuart Evans Acting City Solicitor
<b>Telephone No:</b>	0121 303 2151
<b>E-mail address:</b>	<a href="mailto:stuart.evans@birmingham.gov.uk">stuart.evans@birmingham.gov.uk</a>

### **3. Relevant background:**

- 3.1 Section 85(i) of the Local Government Act 1972 states “if a member of a Local Authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the Authority, he shall unless the failure was due to some reason approved by the Authority before the expiry of that period cease to be a Member of the Council.
- 3.2 The City Solicitor has been advised that Councillor Walkling has not attended any Council meetings for a period of 6 months prior to the date of this report without any dispensation being granted by the Council for such non-attendance. Enquiries have been made and the non-attendance and lack of dispensation has been confirmed. In accordance with section 85(i) of the Local Government Act 1972 Councillor Walkling must be disqualified.
- 3.3 I have also spoken with Robert Connelly who has confirmed that no ward by-election would be necessary following such disqualification as Councillor Walkling term of office expires in May.

### **Signatures of approval to submit the report to Committee:**

Stuart Evans – Acting City Solicitor:

Dated: 09 March 2016.

<b>Report to:</b>	<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE</b>
<b>Report of:</b>	<b>CITY SOLICITOR</b>
<b>Date of Meeting:</b>	<b>22 MARCH 2016</b>
<b>Subject:</b>	<b>INDEPENDENT REMUNERATION PANEL – MEMBERSHIP</b>
<b>Wards affected:</b>	<b>N/A</b>

<b>1.</b>	<b>Purpose of report:</b>
1.1	The terms of office of four members of the Independent Remuneration Panel expires on 31 <sup>st</sup> August 2016. This paper sets out the options for CBM.

<b>2.</b>	<b>Decision(s) recommended:</b>										
2.1	That the Council's Business Management Committee recommends to City Council that the following be appointed to the Independent Remuneration Panel as follows: <table border="0"> <thead> <tr> <th><u>Appointee</u></th><th><u>Term of Office</u></th></tr> </thead> <tbody> <tr> <td>Sandra Cooper</td><td>01 September 2016 – 28 February 2017</td></tr> <tr> <td>Graham Macro</td><td>01 September 2016 – 28 February 2017</td></tr> <tr> <td>Subat Khan</td><td>01 September 2016 – 28 February 2017</td></tr> <tr> <td>Michael Tye</td><td>01 September 2016 – 28 February 2017</td></tr> </tbody> </table>	<u>Appointee</u>	<u>Term of Office</u>	Sandra Cooper	01 September 2016 – 28 February 2017	Graham Macro	01 September 2016 – 28 February 2017	Subat Khan	01 September 2016 – 28 February 2017	Michael Tye	01 September 2016 – 28 February 2017
<u>Appointee</u>	<u>Term of Office</u>										
Sandra Cooper	01 September 2016 – 28 February 2017										
Graham Macro	01 September 2016 – 28 February 2017										
Subat Khan	01 September 2016 – 28 February 2017										
Michael Tye	01 September 2016 – 28 February 2017										
2.2	That CBM ask officers to bring forward options for the shape and membership of the IRP to a future meeting.										

<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.</b>	<b>Relevant background/chronology of key events.</b>
3.1	Councillors receive allowances to support them in carrying out their work as elected representatives. The size of the allowance for the various Councillor roles is decided by the City Council. In taking this decision, the Council must consider a report from an Independent Remuneration Panel.
3.2	<p>An Independent Remuneration Panel (IRP) was established by the City Council at its meeting on 2nd July 2001. Current membership consists of:</p> <ul style="list-style-type: none"> <li>• Four Citizen Representatives appointed on four year terms (two in 2001 and two in 2007); their terms of office expire on 31st August 2016;</li> <li>• Two appointed panel members; their terms of office expire on 31st August 2017;</li> <li>• Two co-opted panel members drawn from former Councillors of the City Council who are no longer Members of the Council; they were appointed in 2015 for a three year term and their terms of office expire on 2018.</li> </ul>
3.3	<p>There are, broadly speaking, four options open to CBM:</p> <ol style="list-style-type: none"> <li>1. Continue with the current membership: i.e. to extend the terms of office of the existing citizen representatives for another four years (assuming they wish to continue);</li> <li>2. Refresh the membership: i.e. to carry out a selection process to recruit four members (existing members would also be able to apply);</li> <li>3. Refresh the membership whilst retaining some knowledge / experience; i.e. to hold an exercise to open membership to new members for two of the four places (there are various options for staggered membership term of office);</li> <li>4. To renew the membership for 6 months; to allow for continuity over CBM more time to consider all the options.</li> </ol>
3.4	<p>There are a number of factors to consider in taking this decision:</p> <ul style="list-style-type: none"> <li>• It is now sometime since any new citizen representative members were appointed (2007) – a new selection process would open the posts to public advertisement;</li> <li>• The opportunity could be taken to consider the skills mix of the Panel;</li> <li>• There are benefits in having continuity of knowledge and experience on the Panel, particularly given that there are likely to be changes to the Constitution within the new municipal year;</li> <li>• Recruitment would require adverts in the local press, and an appointment board to be appointed by CBM – this would potentially be time consuming and have cost implications.</li> </ul>
3.5	Given the expectation of changes to the Constitution in May, and the impact this will have on roles that attract a Special Responsibility Allowance, CBM is recommended to take <b>option 4</b> , as set out in paragraph 3.3.

- 3.6 The IRP intends to bring an annual report to the April City Council but, as last year, may also present a supplementary report in 2016 addressing any impact on roles that attract a Special Responsibility Allowance. The current Panel has met with the Leader (January 2016), where the possible changes with regards to devolution were outlined. A further meeting was held in March with officers charged with designing and implementing any agreed changes. The current Panel members therefore have been well briefed on the background and proposals that are likely to come forward. They will therefore be well placed to consider any agreed changes after the May AGM.
- 3.7 In addition, there are a number of matters regarding membership that CBM may wish to address:
- The composition of the Panel in terms of make-up (i.e. the mix of panel members appointed and/or selected via public advertisement) and skills mix;
  - Agreeing rules of procedure for recruitment and renewal of terms of office.
- 3.8 A six month extension of the current terms of office would allow these matters to be considered in more depth. Officers would be asked to bring forward options for the shape and membership of the IRP to a future meeting.

**Signature:**

**Chief Officer:**



**STUART EVANS, CITY SOLICITOR**



<b>Report to:</b>	<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE</b>
<b>Report of:</b>	<b>CITY SOLICITOR</b>
<b>Date of Meeting:</b>	<b>22 MARCH 2016</b>
<b>Subject:</b>	<b>ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL</b>
<b>Wards affected:</b>	<b>N/A</b>


<b>1.</b>	<b>Purpose of report:</b>
1.1	This report summarises the recommendations of the Independent Remuneration Panel following the annual review of the City Councillors' Allowances Scheme and sets out the proposed motion to be considered by the City Council. A full copy of the Independent Remuneration Panel's Annual Report is attached.

<b>2.</b>	<b>Decision(s) recommended:</b>
2.1	<p>That the Council's Business Management Committee:</p> <ul style="list-style-type: none"><li>• Receives the annual report of the Independent Remuneration Panel;</li><li>• Recommends the following motion to the City Council: The recommendations made by the Independent Remuneration Panel on Page 4 of its Annual Report be accepted and implemented with effect from 24 May 2016.</li></ul>

<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.</b>	<b>Relevant background/chronology of key events.</b>
3.1	<p>An Independent Remuneration Panel (IRP) was established by the City Council at its meeting on 2nd July 2001. The main features are:</p> <ul style="list-style-type: none"> <li>• Eight members of the panel made up of four Citizen Reps; two appointed and two co-opted;</li> <li>• Panel members are appointed for a mixture of three and four year periods;</li> <li>• An allowance is paid to each panel member.</li> </ul>
3.2	The annual report of the IRP is attached to this report. Committee is reminded that the council must have full regard to the recommendations within the report.
3.3	The Panel has worked consistently within the requirements of the Local Government Act 2000 and the accompanying Statutory Guidance and Regulations on Councillors' allowances.
3.4	The Panel's main recommendation is for the Basic Allowance to be frozen once again at its current level, £16,267, for 2016-17.
3.5	Having just completed the 'Root and Branch' review (April 2015 report, with a supplementary report published in October 2015), the Panel took no new evidence on Special Responsibility Allowances. However, following evidence from the Leader, the Panel understood that there may be some changes proposed at the City Council AGM in May.
3.6	The Panel will therefore retain the recommendations made in the October 2015 report for the present time and will reconvene to consider any constitutional change in the new municipal year. The Panel expects that any changes to Special Responsibility Allowances will be applicable from the date of the Constitution changes.
3.7	A member of the Panel will attend and present the report at Committee, and at Council, if required.

<b>4.</b>	<b>Compliance and Financial Issues:</b>
4.1	The annual review has been conducted in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003.
4.2	One of the key objectives of the Allowances Scheme is to 'promote a healthy democracy by removal of financial disadvantage as a barrier to people from a wide range of backgrounds and with a wide range of skills standing for election or serving as Councillors'.

<b>Signature:</b>

<b>Chief Officer:.....</b> <b>STUART EVANS, CITY SOLICITOR</b>





## **COUNCILLORS' ALLOWANCES**

### **Annual Report of the Birmingham Independent Remuneration Panel 2015-2016**

**APRIL 2016**

# **ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL**

**2015-2016**

## **BIRMINGHAM CITY COUNCIL**

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## **FOREWORD**

The Independent Remuneration Panel met twice in January 2016 to review the basic allowance. This follows the full 'root and branch' review of the Members' Allowances Scheme, completed last year.

The Panel reviewed the evidence for the basic allowance and – through a combination of factors – has recommended that this remain unchanged for another year.

As a full review of Special Responsibility Allowances (SRA) was undertaken last year, the Panel took no new evidence on Special Responsibility Allowances. However, following evidence from the Leader, the Panel understood that there may be some changes proposed at the City Council AGM in May.

The Panel will therefore retain the recommendations made in the October 2015 report for the present time and will reconvene to consider any Constitutional change in the new municipal year. The Panel expects that any changes to Special Responsibility Allowances will be applicable from the date of the Constitution changes.

Sandra Cooper,  
Chairman  
April 2016

## **RECOMMENDATIONS**

1. The Basic Allowance remains unchanged at £16,267.
2. The Special Responsibility Allowances remain unchanged (as shown in Appendix 1)
3. The co-optee allowances remain unchanged (as shown in Appendix 1)
4. The independent carers' allowance (hourly rate) continues to be increased in line with the Living Wage, currently at £8.25 per hour; and that this allowance remains linked to the Living Wage in future years.
5. The professional care (hourly rate) continues to be raised in line with the Council's rate for a Care Assistant (Grade 2 post) taking the mid-range spinal point.
6. Travel expenses and Subsistence Allowances continue to reflect the Council's Scheme for officers.

## MEMBERS' ALLOWANCES

### 1. Basic Allowance

As in previous years, the Panel has worked within the requirements of the Local Government Act 2000 and the accompanying Guidance and Regulations on members' allowances in making its recommendations for 2016/17.

Whilst there has been a great deal of change over the last year, the Panel reaffirms the principles of the Birmingham Councillors' Allowances Scheme set out in previous reports. The key factors which the Panel takes into account remain:

1. The promotion of a healthy democracy by reducing financial disadvantage as a barrier to people from a wide range of backgrounds and a wide range of skills standing for election or serving as Councillors.
2. The maintenance of an ethic of voluntary public service and the need to reflect this within the Basic Allowance (BA) paid to all Councillors.
3. Councillors should not expect nor receive a full-time salary.

### ***Setting the 2016/17 Basic Allowance***

The "root and branch" review of the basic allowance (October 2013) proposed that the ASHE (Annual Survey of Hours and Earnings), place of work by local authority area (Birmingham) for a full time male, is used to set the basic allowance.

Having reviewed the chosen comparator, the Panel has agreed to retain the link with ASHE. The Panel noted that on the figures for 2015 this would mean an increase of 1.98%.

	<b>CURRENT RATE</b>	<b>ASHE APRIL 2015</b>
<i>Gross min. time (3 days x 52 weeks)</i>	156.00	156.00 days p.a.
<i>x Baseline per day</i>	132.93	135.74
<i>Gross Rate</i>	20,737.08	21,175.44
<i>Less public service discount 25%</i>	5,184.27	5,293.86
<b>TIME ELEMENT</b>	<b>15,552.81</b>	<b>15,881.58</b>
<b>ADDITIONAL EXPENSES ELEMENT</b>	<b>715.00</b>	<b>715.00</b>
<b>BASIC ALLOWANCE</b>	<b>16,267.00</b>	<b>16,596.58</b>

However, the Panel also noted that inflation was at 0% (at the time of writing).

Alongside this, significant savings are still expected of the City Council.

The Panel reviewed the current basic allowance alongside that for councillors in the other core cities, and found that Birmingham's basic allowance remains the highest amongst this comparator group.

Given the combination of these factors, the Panel is therefore recommending that the Councillors' Basic Allowance remains unchanged.

## **2. Special Responsibility Allowances**

In April 2015, City Council accepted the Panel's recommended new approach for calculating Special Responsibility Allowances (see Table 1). The Panel recognised that the Leader's role takes the most responsibility assessed at 100% and all the other roles are then taken as a relative percentage of the Leader's role.

City Council also accepted the Panel's recommendation that "the ASHE 2013 for all Industries and Services Male Full Time (top 10%) table 4.1a for the United Kingdom would be the most appropriate comparator to be used for the Leader's role in order to reflect the transferable skills of the role".

Having just completed the 'Root and Branch' review (April 2015 report, with a supplementary report published in October 2015 report), the Panel took no new evidence on Special Responsibility Allowances. However, following evidence from the Leader, the Panel understood that there may be some changes proposed at the City Council AGM in May.

The Panel will therefore retain the recommendations made in the October 2015 report for the present time and will reconvene to consider any Constitutional change in the new municipal year. The Panel expects that any changes to Special Responsibility Allowances will be applicable from the date of the Constitution changes.

*Table 1*

Bands	Level Of Responsibility	Title/Description
1	75% to 100%	Strategic Leadership with overall responsibility for decision making for the direction and running of Council Services
2	50% to 74%	Strategic responsibility within Cabinet and also individual responsibility as delegated by the Constitution
3	15% to 49%	Responsibility for Chairing key Regulatory and Overview and Scrutiny Committees in order to meet regulatory requirements and where required hold the Executive to account
4	5% to 14%	Other roles with Special Responsibilities

### **3. Co-optees Allowances**

The Panel took no new evidence on co-optee allowances and were of the view that these should remain unchanged, in line with the basic allowance.

### **4. Carers' Allowances**

In 2012, the City Council agreed to adopt the Living Wage for all its employees, and subsequently extended this to externally-contracted care sector workers from October 2014.

In 2015, the Panel recommended that the Independent Carers' Allowance adopt the change from the National Minimum Wage to the Living Wage, currently at £8.25 per hour.

The Panel therefore recommends that this continues for 2016/17 and that this continues to track the Living Wage in the future.

The professional care (hourly rate) is based on the Council's rate for a Care Assistant. After making enquiries, the Panel found that the rate is now graded as a Grade 2 post and agreed to take the mid-range spinal point currently at £8.73 per hour (at time of writing).

### **5. Travel expenses and Subsistence Allowances**

The Panel took no new evidence on travel expenses and subsistence allowances, and so is recommending that these reflect the Council's Scheme for officers. The Panel emphasised the need to ensure that the list of approved duties for which such expenses can be claimed is kept up to date and in accordance with all relevant legislation.

## **Appendix 1: Proposed Members' Allowances Rates (from May 2016)**

### **BASIC ALLOWANCE** (per annum unless otherwise stated)

£

Baseline per Day Rate	132.93
Basic Allowance	16,267.00
Time Element	15,552.00
Additional Expenses Element	715.00

### **SPECIAL RESPONSIBILITY ALLOWANCE** (per annum unless otherwise stated)

Baseline per week (£1,125.30 discounted by 15%)	956.51
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#### **STRATEGIC LEADERSHIP**

Leader of the Council (rounded up)	50,000.00
Deputy Leader of the Council	40,000.00

#### **STRATEGIC SHARED RESPONSIBILITY**

Cabinet Member	25,000.00
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#### **RESPONSIBILITY FOR CHAIRING KEY REGULATORY, OVERVIEW & SCRUTINY COMMITTEES**

Chair of the Planning Committee	15,000.00
Chair of Licensing & Public Protection Committee	15,000.00
Leader of the Largest Qualifying Opposition Group	12,500.00
Chair of an Overview & Scrutiny Committee	12,500.00
Executive Member for Local Services	7,500.00

#### **OTHER ROLES WITH SPECIAL RESPONSIBILITY**

Deputy Leader of the Largest Qualifying Group	7,000.00
Chair of the Audit Committee	5,000.00
Chair of the Trust and Charities Committee	5,000.00
Leader of Other Qualifying Opposition Groups	5,000.00
Deputy Leader of Other Qualifying Opposition Groups	2,500.00
Lead Opposition Spokesperson (Shadow Cabinet)	2,500.00
Political Group Secretaries	2,500.00

*(A Qualifying Opposition Group is one with a minimum of 6 Members)*



### **CO-OPTEE ALLOWANCES** (*per annum*)

Chair of the Standards Committee	1,000.00
Member of an Overview & Scrutiny Committee	831.00
Member of the Standards Committee	557.00

### **CARERS' ALLOWANCES**

	<b>£</b>
Independent care – hourly rate with effect from October 2015	8.25
Professional care with supporting documentation – hourly rate	8.73

### **TRAVEL EXPENSES AND SUBSISTENCE ALLOWANCES**

Car, Motorcycle and Bicycle Allowance Rates are set in line with those paid to officers of the authority.

Day and Overnight Subsistence Allowances are set in line with those paid to officers of the authority or the inflation factor in the council's budget.

#### ***Car Mileage Rates***

First 10,000 business miles in tax year	45p per mile
Each business mile over 10,000 in tax year	25p per mile
Supplement for official passenger	5p per mile

If car mileage is claimed for travel outside the West Midlands area, the payment will be the lesser of the value of the actual mileage claimed or the peak time standard rail fare.

***Motorcycle Mileage Rates*** ***24p per mile***

***Bicycle Mileage Rates*** ***20p per mile***

#### ***Other Travel Expenses***

Rail Travel (supporting receipt required)	Standard Class Fare
Taxi, Tube and Bus Fares, Car Parking, Toll Charges	
(Supporting receipts if possible)	Actual Cost

If a travel pass is provided by the Council the recipient must make a contribution of 40% towards the total cost met by the Council. The recipient also forgoes the right to claim for travel allowances or expenses for duties undertaken in the area covered by the pass or to make use of transport services provided directly by the Council, unless the relevant travel service is not available, or there are health and safety reasons.

**Benchmark Day Subsistence (excluding VAT)****£**

Breakfast	4.48
Lunch	6.17
Tea	2.43
Evening Meal	7.64

**Benchmark Overnight Subsistence (excluding VAT)**

In London	97.09
Other locations outside London	85.13

The reasonable cost of meals taken, overnight accommodation and minor associated out-of-pocket expenses will be reimbursed, **subject to the provision of supporting receipts**. The validity of claims made will be judged against where the meal was taken or where the stay occurred, the total time spent on the duty and the relevant benchmark subsistence value.

## **Appendix 2: Membership of the Independent Remuneration Panel**

### ***Chair of the Panel***

Sandra Cooper, Citizen Representative, Stirchley

### ***Council Appointees***

David Grainger

Stephen Shute

### ***Citizen Representatives***

Graham Macro, Sutton Coldfield

Subat Khan, Ward End

Michael Tye, Handsworth

### ***Co-opted Members***

Former Elected Member Malcolm Cornish

Honorary Alderman Peter Kane



## **COUNCIL BUSINESS MANAGEMENT COMMITTEE**

22<sup>nd</sup> March 2016

### **ANNUAL REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE**

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#### **1. PURPOSE**

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- 1.1 The purpose of this Report is to highlight the work of the Standards Committee during the Municipal Year 2015-2016.

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#### **2. MEMBERSHIP AND TERMS OF REFERENCE**

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The composition of the Committee for 2015-2016 was as follows:-

Philip Richardson (Independent Joint Chairman)  
Peter Wiseman (Independent Joint Chairman)  
Councillor Mahmood Hussain  
Councillor Anita Ward  
Councillor Mike Sharpe  
Councillor Deidre Alden  
Councillor Paul Tilsley  
Steven Jonas – Independent Member  
Professor Stephen Shute – Independent Member  
Parish Councillor Ian Bruckshaw w.e.f. 16<sup>th</sup> November 2015, *due to ill-health retirement of Parish Councillor Gareth Griffiths*  
Parish Councillor Eric Carter  
Ray Tomkinson-Independent Observer

- 2.2 The Terms of Reference of the Standards Committee are set out in the Constitution.

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#### **KEY HIGHLIGHTS FROM THE MUNICIPAL YEAR 2015-2016**

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- 3.1 Since the introduction of the Localism Act 2011 and the subsequent abolition of the Standards Board for England, the operational activity of the Standards Committee has significantly changed. The previous sub-committees have been removed and replaced by a more streamlined assessment/filtration method whereby complaints are either resolved by the Monitoring Officer or screened by the two Chairmen in conjunction with the Monitoring officer.
- 3.2 The Committee has not met this year. The initial filtration process referred to in 3.1 has greatly reduced the need for the Committee to meet unnecessarily thereby saving on Member and Officer time and also printing costs.

- 3.3 Complaints which are within the terms of the Councillors' Code of Conduct and which cannot be resolved informally are considered on receipt of duly completed Complaint Forms. Blank forms and guidance on the processes adopted by the Committee are freely available on the Council's website and appropriate informal advice is given to those who wish to complain.
- 3.4 Attached at Appendix 1 is a breakdown of statistics on Standards Committee from April 2015 to March 2016. Details of the complainant and the Councillor affected have been removed for Data Protection reasons, more particularly because the Monitoring Officer has judged that many complaints do not fall within the scope of the Councillors' Code of Conduct but may nevertheless require attention by officers as several complaints concern the alleged malfunction of council services.
- 3.5 I would like to take the opportunity to confirm that the Statutory Registers of Gifts and Hospitality and the Statutory Register of Members Interests have been duly completed by Members and placed on the Council's website (unless any Member requested otherwise with satisfactory reasons for non-disclosure). Declarations of Interests are also being duly recorded in the minutes of Council meetings and there is a satisfactory general awareness of the Code of Conduct of Members.
- 3.6 Overall it is our view that the abolition of the very detailed legislative requirements underpinning the Standards regime has proved to be a helpful development. The revised law still requires Councils to have a Code of Conduct for Councillors in place and a clear and transparent system for handling complaints. However, in close consultation with the Committee, the Monitoring Officer has seized the opportunity to review and, where possible, simplify the current procedure for handling complaints. All documentation has been re-written in plain English.
- 3.7 Our aim is to continue to deal with complaints in the same format as before with the assistance of the newly appointed City Solicitor in their monitoring officer capacity.
- 3.8 A revised and simplified version of the Code of Conduct is available in the Constitution on the Council's website.

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#### **4. STATISTICS 2015-2016**

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4.1 You have some statistics in the Appendix 1 to the report which are set out below in brief:

- 11 complaints in total
- 5 complaints resulted in findings of no breach of the Code of Conduct
- No evidence received for one complaint
- One complaint resolved
- For two complaints no forms received
- In relation to one complaint the Standards Chairmen determined that the matter was related to HR/Grievance and not related to code of conduct.
- One complaint is currently under investigation with the City Solicitor/Monitoring officer.

4.2 In the 12 months period from April 2015 to March 2016, there were 9 complaints from members of the public and 1 complaint from an elected member. Therefore, the record of the City Council remains sound and the revised local assessment system and processes put in place since April 2012 appear to be functioning well.

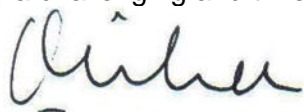
4.3 There has been a significant decrease in the number of complaints made by Councillors against other Councillors. Quite often these complaints are relatively minor matters regarding the use of Council resources. I am pleased to tell you that the new rules written by the Monitoring Officer relating to use of Council resources regarding financial and other control measures, are now in place and are greatly assisting Councillors to avoid complaints to the Committee.

4.3 The handling of complaints by Councillors against other Councillors by way of referring these to the Political Groups via the Group Secretaries for mediation with such assistance from the Monitoring Officer has proved to be both helpful and beneficial to all concerned parties.

4.4 Overall our view is that the Conduct of Councillors remains high and the reputation of the Council in this respect is well preserved. However, from time to time apparently serious matters do come before Committee and we will continue to deal properly and fairly with any complaints.

4.5 Together with my joint Chairman, Peter Wiseman, may I thank all Committee members – both independent members and Councillors for your acceptance of our current system; which inevitably reduces your active participation, and also all Councillors for their patience and co-operation in what can sometimes be a challenging and time consuming process.

Signed:



**Philip Richardson**-Chairman, Standards Committee





No.	Complaint Ref:	Month	Complainant	Councillor(s)	Party	Form Sent (Date)	Decision	Investigator
1.	PC58	May			Labour	13.05.15	No evidence supplied	David Tatlow
2.	PC59	June			Labour	N/A	Not Code of Conduct Matter	David Tatlow
3.	PC60	June			Labour	N/A	Not Code of Conduct Matter	David Tatlow
4.	PC61	Aug			Labour	14.09.15	Not Code of Conduct Matter	David Tatlow
5.	PC62	Sept			Conservative	23.09.15	Not Code of Conduct Matter	David Tatlow
6.	PC63	Nov			Conservative	N/A	Resolved	David Tatlow
7.	PC64	Nov			Labour	11.11.15	Standards Committee Chairmen determined no misconduct by Councillor – HR Grievance matter only	Standards Committee Chairmen
8.	PC65	Dec			Labour	06.01.16	Under Investigation	Kate Charlton
9.	PC66	Dec				06.01.16	No complaints form received	Stuart Evans / Kate Charlton
10.	PC67	Jan			Conservative	01.02.16	No complaints form received	Kate Charlton
11.	PC68	Jan			Labour	01.02.16	Not Code of Conduct matter	Kate Charlton

**Decisions**

Upheld (Whole or Part)	
Not Upheld	
Decision Awaited	2
Resolved	2
Not Code of Conduct Matter	4
No Form Received	3

**Councillors complained against** (N.B. the same Councillor may have been complained about on more than one occasion)

Conservative	3
Labour	7
Liberal Democrat	
Frankley Parish Council	
Not Known	1



**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>22 MARCH 2016</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 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 37) and those which are the responsibility of external organisations (currently 44).
- 4.2 Of the outstanding City Council related petitions, 14 were presented in 2015 and 23 were presented in 2016.
- 4.3 Since May 2005, 1791 out of a total of 1828 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**

**Tuesday, 5 April 2016 at 1400  
hours in The Council Chamber,  
Council House, Birmingham**

**A G E N D A**

**1 NOTICE OF RECORDING**

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site ([www.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and that members of the press/public may record and take photographs.

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

**Attached**

**2 MINUTES**

To confirm and authorise the signing of the Minutes of the Meeting of the Council held on 1 March 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 PETITIONS (15 minutes)**

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

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

(1425-1555)

**5 QUESTION TIME (90 minutes)**

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

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

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

C. Questions from Councillors other than Cabinet members to a Cabinet member (25 minutes)

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

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

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

**7     EXEMPTION FROM STANDING ORDERS**

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

**Attached     8     REPORT OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE (10 minutes)**

(1600-1610)     **Annual Report of the Independent Remuneration Panel**

To consider a report of the Council Business Management Committee.

**Councillor John Clancy to move the following Motion –**

“The recommendations made by the Independent Remuneration Panel on Page 3 of its Annual Report be accepted and implemented with effect from 24 May 2016.”

**Attached     9     REPORT OF THE EXECUTIVE (15 minutes)**

(1610-1625)     **Skills Investment Plan**

**Councillor ..... to move the following Motion –**

“ ..... ”

**Attached     10     REPORT OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE (15 minutes)**

(1625-1630)     **Gambling Act 2005 - Statement of Licensing Principles**

To consider a report of the Licensing And Public Protection Committee.

**Councillor Barbara Dring to move the following Motion –**

“That the City Council approves the Statement of Gambling Principles and authorises:-

- (i)     the Chief Legal Officer to update the list of Policy Framework Plans to include the same; and
- (ii)    the Acting Director of Regulation and Enforcement to do what is necessary to publish and comply with the same.”

break 1630-1645)

**Attached**     11     **REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES**  
**(45 minutes)**

(1645-1730)     **City Council Meeting**

To consider a report of the Corporate Resources Overview and Scrutiny Committee together with a commentary from the Executive.

**Councillor Waseem Zaffar to move the following Motion:**

“ ..... ”

**Attached**     12     **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**  
**(90 minutes)**

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

