

BIRMINGHAM CITY COUNCIL

CO-ORDINATING O&S COMMITTEE – PUBLIC MEETING

1000 hours on Friday 12th April 2019, Committee Rooms 3 & 4

Action Notes

Present:

Councillor Josh Jones (Chair)

Councillors Mohammed Aikhlaq, Tahir Ali, Deirdre Alden, Sir Albert Bore, Debbie Clancy, Liz Clements, Roger Harmer and Rob Pocock

Also Present:

Councillor Ian Ward, Leader

Councillor Brett O'Reilly, Cabinet Member, Clean Streets, Waste & Recycling

Clive Heaphy, Chief Finance Officer

Kate Charlton, City Solicitor

Darren Share, Acting Director Waste Management

Emma Williamson, Head of Scrutiny Services

1. NOTICE OF RECORDING/WEBCAST

The Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. APOLOGIES

Apologies were received from Cllr Charlotte Hodivala.

3. DECLARATION OF INTERESTS

None

4. ACTION NOTES/ISSUES ARISING

(See document No 1)

The action notes from the meeting held on 15th March 2019 were agreed.

Cllr Jones noted that the Chief Executive had given her apologies due to illness and therefore the committee agreed to defer item 7: JNC update.

5. LEADER OF THE COUNCIL – PRIORITIES FOR IMPROVEMENT

(See document No 5)

Cllr Ian Ward introduced the item stating that the stocktake report, the report of the Birmingham Independent Improvement Panel (BIIP) and the auditor's letter clearly lay out the improvement needed. The City Council has started on that journey but it is recognised that we are in the foothills.

In particular, focus should be on improving service delivery in adult social care, improving industrial relations, and taking on board the recommendations of the auditor.

One of those recommendations related to the independent review of waste services to be commissioned, which will look at how the service is managed so it meets the needs and expectations of the public.

The City Council remains open to external challenge alongside internal scrutiny operations. In 12 months, the LGA will be invited to undertake a peer review to demonstrate how the City Council is continuing to improve.

In response to a question as to why these documents had come to scrutiny when they had been discussed at Full Council, the Chair responded that this was to give further exploration to Scrutiny's role in improvement and to allow members to ask more detailed questions than the discussion at Full Council allowed.

Members made the following points:

- The City Council needs to better recognise the need for transformation in its assessment of performance, to allow Scrutiny to support that. The Chair confirmed that he had had discussions with officers on how Scrutiny can support the performance framework and further workshops would be held.
- Citizens' views should form part of the assessment.
- The capacity of Scrutiny and of the wider organisation to support scrutiny was raised as this was mentioned in the report and has not yet been addressed.
- The report contained many phrases that members could agree with but wanted to see how these would be actioned, for example putting into effect the parity of esteem for Scrutiny and the Executive and strengthening scrutiny.

- Issues about political and managerial leadership are raised in the reports and some of these will need to be picked up when the JNC re-structure item returns to committee (for example capacity with regards to sustainability and the turnover of staff in some areas).
- The Chair confirmed that regular meetings would be held with Scrutiny Chairs and the Deputy Leader, to maintain links and identify issues that needed to be addressed.
- Cabinet Members should attend scrutiny meetings to answer political and strategic questions.
- Members not attending or participating in scrutiny is also an issue. Perhaps the size of scrutiny committees should be increased so they can challenge effectively.
- The gap left by District Committees is not being addressed in any substantial way.
- The plan should be set out in plain English.

The Leader responded that the City Council is engaging with an organisation called Beat Freaks, targeting consultation with young people. He agreed with the points regarding capacity, noting that the point in the BIIP report is about senior officers, but is also true about Scrutiny itself.

He is more than willing to discuss Scrutiny working with the Executive and that the real benefit of scrutiny is to add value and we are not making enough of that. The key reason for increasing the number of scrutiny committees last year was that there had been few reports to Full Council. This was still the case so perhaps there is a need to look at what Scrutiny was spending time on. He also noted that this work should not just focus internally on the City Council.

The Leader recognised that there is more work to be done on localisation.

6. REQUEST FOR CALL IN: WASTE MANAGEMENT – COMMISSION OF AN INDEPENDENT REVIEW OF WASTE SERVICES WITHIN BIRMINGHAM

(See documents No 2, 3, 4)

Cllr Majid Mahmood outlined a number of concerns he had with the proposed commissioning of an independent review into waste services, including:

- That the City Council has already spent a lot on consultants and this means the Council will be spending more.
- The Auditor's recommendation included that the review should consider outsourcing the services, something previously ruled out by Full Council and a Labour manifesto commitment. This could be viewed as political and that the auditor has overstepped their remit.
- The specification had not been approved by the trade unions on the 26th March as required by the agreement reached between the City Council and trade unions.

- The Memorandum of Understanding (MOU) entered into in good faith by both parties was being reviewed, so why was another review proposed.
- Investment in the service that was promised has not materialised, including that of the old and failing vehicles, which is the main reason the service is failing.
- The cabinet report refers to increasing recycling which is a component of the review, but there is no mention of Household Recycling Centre (HRC) capacity.
- The indicative timetable does not set out a timeframe to complete the review.

At this point, members of the committee asked for clarification on which criteria the request for call-in was based on. Clarification was specifically requested on:

- Which districts were affected (criteria 11).
- Whether there was a review of the MOU currently underway.
- The current provision for refreshing the fleet of waste vehicles.

The Cabinet Member for Clean Streets, Waste and Recycling responded that it was not the case that there is a review of the MOU on-going. As part of the settlement a Joint Service Improvement Board (JSIB) was set up that looks at issues relating to the MOU. The independent review will be discussed at this board.

The Leader reminded the committee that this review was being commissioned because, in settling the dispute, an agreement was reached that included an independent review of this service, which the trade unions welcomed as they wanted the management of the service to be reviewed and Cabinet has agreed this. It is also a recommendation of the auditor that Full Council approved last week.

Cllr Mahmood then talked through the criteria for call-in:

Criteria 1, 2 and 3 – as the Full Council motion agreed a preference for in-house provision.

Criteria 4, 5 and 6 – waste is a universal service and residents and councillors should have been consulted.

Criteria 8 – the specification had not been agreed with the trade unions ahead of Cabinet on the 26th March 2019.

Criteria 9 – information relating to the vehicles and the need to procure new vehicles was not addressed.

Criteria 11 – there are particular issues with regards to the vehicles at the Perry Barr waste depot.

Members then raised the following points:

- That the objections to the review were related to outsourcing but this decision was not a decision to outsource.
- How were the bidders selected?
- Will the final report be made public?
- The question relating to the vehicles had not yet been addressed.

- How does this review dovetail with the work to re-procure the Veolia contract?
- How can we involve citizens as stakeholders?
- Could more detail be provided on the terms of reference, clarifying exactly what would be covered?
- If the review made recommendations that required additional funding for the service, where would this come from?

The Leader and Cabinet Member responded:

- With regards to the vehicles, the intention is to have a staged replacement, with £11.8m for stage 1 including a fleet condition survey. Clive Heaphy, Chief Finance Officer, further clarified that the typical life cycle of fleet vehicles was 7 to 10 years, so a rolling programme of funding was needed that kept figures consistent year on year. Council agreed in February that the first tranche would be £11.8m. This will be reviewed.
- The report of the review would be published in full.
- Talks with the trade unions are going well and delaying this review would be unhelpful.
- Any decisions on future budgets would be determined by Full Council.

The Chair informed the committee that he had been speaking to officers about reinvigorating the Citizens Panel and that could incorporate work in this area.

The Cabinet Member agreed with the Chair's suggestion that he would share a more detailed note on the terms of reference, setting out what each provision would mean, including in relation to vehicles and depots, thus strengthening key areas. An informal meeting of this committee would then be held to discuss this. He also agreed that this process would be the catalyst to start wider engagement with citizens on this service and welcomed the suggestion that the Citizens Panel be reinvigorated.

Members of the committee further added that:

- This call-in had brought out information not otherwise readily available (including the working of JSIB, the capital programme in relation to vehicles and depots and the failure in recent years to invest in these) and so demonstrated the added value of scrutiny.
- Engagement with citizens should include those who had had repeated problems with the service.
- The Chair agreed with the Cabinet Member that he would have regular updates on the work of the JSIB.

RESOLVED:

- That the decision is not called-in (on a vote of 7 to 1, with 1 abstention).

- That the Cabinet Member would share a more detailed note on the terms of reference, setting out what each provision would mean, including in relation to vehicles and depots, thus strengthening key areas.
- That an informal meeting of this committee would then be held to discuss this.
- That the Chair would hold regular updates with the Cabinet Member on the work of the JSIB.

7. JNC RE-STRUCTURE UPDATE

(See document No 6)

This item was deferred due to the Chief Executive being unable to attend.

8. WORK PROGRAMME

(See document No 7)

The Chair proposed to hold an additional meeting in May to discuss Commonwealth Games issues and a date would be agreed outside the meeting.

With regards to the Inquiry into City Council, the Chair said he proposed to share the draft report with members to get their views, and then bring in work undertaken as part of the Review of Scrutiny. Cllr D Alden objected to this, saying that members had had a chance to input earlier in the session. She also noted that the recommendations would not now be ready in time for the review of the Constitution at the start of the new municipal year.

RESOLVED:

The work programme was noted.

9. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

10. OTHER URGENT BUSINESS

None.

11. DATE OF NEXT MEETING

The set of dates for the 2019/20 municipal year would be circulated.

12. AUTHORITY TO CHAIRMAN AND OFFICERS

RESOLVED:

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

The meeting ended at 1215 hours.