

**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**

**CITY COUNCIL**

**TUESDAY, 06 DECEMBER 2016 AT 14:00 HOURS**  
**IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**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.

**2 MINUTES**

To confirm and authorise the signing of the Minutes of the Meeting of the Council held on 1 November 2016.

**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.

**4 PETITIONS**

**(15 minutes allocated)**

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.

**5 - 68**

5 **QUESTION TIME**

**(90 minutes allocated)**

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

- A. Questions from Members of the Public to any Cabinet Member, Assistant Leader, District Committee Chairman 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 and Assistant Leaders to a Cabinet Member or Assistant Leader (25 minutes)
- D. Questions from Councillors other than Cabinet Member and Assistant Leaders to the Leader or Deputy Leader (25 minutes)

6 **APPOINTMENTS BY THE COUNCIL**

**(5 minutes allocated)**

To make appointments to, or removal 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.

**69 - 122**

8 **CHILDREN'S SOCIAL CARE AND EDUCATION: IMPROVEMENT AND CHALLENGES**

**(30 minutes allocated)**

To consider a report of the Improvement Quartet: Councillor John Clancy, Councillor Brigid Jones, Mark Rogers and Peter Hay.

**Councillor Brigid Jones to move the following Motion:**

"The Council welcomes and notes the signs of progress in children's social care and in education, notes that an action plan in response to the September/October Ofsted inspection will be submitted to Cabinet, and notes progress on the voluntary trust arrangement for children's services, as part of the further steps in recovery, with debate and comments at this meeting informing the recommendations to Cabinet in January 2017."

**123 - 126**

9 **IMPLEMENTING THE DEVOLUTION AGREEMENT - MAYORAL COMBINED AUTHORITY FUNCTIONS**

**(15 minutes allocated)**

To consider a report of the Leader.

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

"This City Council:

1. Consents to the draft Mayoral West Midlands Combined Authority Order (Appendix A) being laid in Parliament.
2. Delegates to the Chief Executive, acting in consultation with the Leader of the Council, the power to approve minor and drafting amendments to the Order."

*NB Appendix A will be circulated in due course.*

**127 - 178**

**10 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

**(15 minutes allocated)**

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 revised Statement of Licensing Policy and authorises:-

- (i) the Interim City Solicitor to update the list of Policy Framework Plans to include the same; and
- (ii) the Director of Regulation and Enforcement to do what is necessary to publish and comply with the same."

**11 REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES**

**(60 minutes allocated may be reduced to 45 minutes)**

**179 - 194**

**BIG CHALLENGES FOR HEALTH & SOCIAL CARE - THE BIRMINGHAM AND SOLIHULL SUSTAINABILITY AND TRANSFORMATION PLAN**

To consider a report of the Health, Wellbeing and Environmental Overview and Scrutiny Committee.

**Councillor John Cotton will present the report.**

**195 - 196**

**12 MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

**(90 minutes allocated maybe reduced to 75 minutes)**

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





**MEETING OF BIRMINGHAM  
CITY COUNCIL  
1 NOVEMBER 2016**

**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD  
ON TUESDAY 1 NOVEMBER 2016 AT 1400 HOURS IN THE COUNCIL  
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:-** Lord Mayor (Councillor Carl Rice) in the Chair.

**Councillors**

Muhammad Afzal	Neil Eustace	Keith Linnecor
Uzma Ahmed	Mohammed Fazal	Mary Locke
Mohammed Aikhlaq	Mick Finnegan	Ewan Mackey
Deirdre Alden	Des Flood	Majid Mahmood
Robert Alden	Jayne Francis	Karen McCarthy
Nawaz Ali	Matthew Gregson	James McKay
Tahir Ali	Peter Griffiths	Gareth Moore
Sue Anderson	Paulette Hamilton	Yvonne Mosquito
Gurdial Singh Atwal	Andrew Hardie	Brett O'Reilly
Mohammed Azim	Kath Hartley	John O'Shea
Susan Barnett	Ray Hassall	David Pears
David Barrie	Barry Henley	Eva Phillips
Bob Beauchamp	Penny Holbrook	Robert Pocock
Matt Bennett	Des Hughes	Victoria Quinn
Kate Booth	Jon Hunt	Hendrina Quinnen
Steve Booton	Mahmood Hussain	Chauhdry Rashid
Sir Albert Bore	Shabrana Hussain	Habib Rehman
Barry Bowles	Timothy Huxtable	Fergus Robinson
Marje Bridle	Mohammed Idrees	Gary Sambrook
Mick Brown	Zafar Iqbal	Valerie Seabright
Alex Buchanan	Ziaul Islam	Rob Sealey
Sam Burden	Kerry Jenkins	Shafique Shah
Andy Cartwright	Meirion Jenkins	Mike Sharpe
Tristan Chatfield	Simon Jevon	Sybil Spence
Zaker Choudhry	Julie Johnson	Claire Spencer
Debbie Clancy	Brigid Jones	Stewart Stacey
John Clancy	Carol Jones	Ron Storer
Lynda Clinton	Nagina Kauser	Sharon Thompson
Lyn Collin	Tony Kennedy	Paul Tilsley
Maureen Cornish	Ansar Ali Khan	Lisa Trickett
John Cotton	Changeese Khan	Margaret Waddington

## **City Council – 1 November 2016**

Ian Cruise	Mariam Khan	Ian Ward
Basharat Dad	Narinder Kaur Kooner	Mike Ward
Phil Davis	Chaman Lal	Fiona Williams
Diane Donaldson	Mike Leddy	Ken Wood
Peter Douglas Osborn	Bruce Lines	Alex Yip
Barbara Dring	John Lines	Waseem Zaffar

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### **NOTICE OF RECORDING**

- 18735 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs.

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### **MINUTES**

Councillors Maureen Cornish, Andrew Hardie and David Pears note that their names did not appear in the list of those present.

It was moved by the Lord Mayor, seconded and –

- 18736 **RESOLVED:-**

That, subject to the above amendments, the Minutes of the Meeting of the City Council held on 13 September 2016, having been printed and a copy sent to each Member of the Council, be taken as read and confirmed and signed.

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

#### **A. Ark Tindal Primary School**

- 18736 The Lord Mayor welcomed staff and pupils of Ark Tindal Primary School who were in the public gallery to watch some of today's proceedings. The Lord Mayor asked Members to join him in welcoming them to the meeting.

#### **B. Deaths**

The Lord Mayor referred to the recent death of former Lady Mayoress Patricia Hollingworth who served as Lady Mayoress in 1982-1983 alongside her husband the late Honorary Alderman and Freeman of the City Peter Hollingworth.

It was moved by the Lord Mayor, seconded and:-

18737 **RESOLVED:-**

That this Council places on record its sorrow at the death of former Lady Mayoress Patricia Hollingworth and its appreciation of her devoted service to the residents of Birmingham; it extends its deepest sympathy to members of Patricia's family in their sad bereavement.

The Lord Mayor referred to the recent death of former Councillor and Honorary Alderman Reginald Archibald Corns, who served as a Councillor for Duddleston Ward from 1968 to 1971 and Northfield Ward from 2000 to 2015

After a number of tributes had been paid by Members, it was moved by the Lord Mayor, seconded and:-

18738 **RESOLVED:-**

That this Council places on record its sorrow at the death of former Councillor and Honorary Alderman Reginald Archibald Corns and its appreciation of his devoted service to the residents of Birmingham; it extends its deepest sympathy to members of Reginald's family in their sad bereavement.

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## **PETITIONS**

### **Petitions Relating to City Council Functions Presented at the Meeting**

The following petitions were presented:-

(See document No 1)

In accordance with the proposals by the Members presenting the petitions, it was moved by the Lord Mayor, seconded and -

18739 **RESOLVED:-**

That the petitions be received and referred to the relevant Chief Officers.

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## **Petitions Update**

The following Petitions Update was submitted:-

(See document No 2)

It was moved by the Lord Mayor, seconded and -

18740 **RESOLVED:-**

That the Petitions Update be noted and those petitions for which a satisfactory response has been received, be discharged.

**EXEMPTION FROM STANDING ORDERS**

It was moved by Councillor Sharon Thompson:-

“That, pursuant to CBM Committee discussions, Standing Orders be waived as follows:

- Allocate 5 Minutes for item 6 (Proposed Changes to the Constitution)

It was agreed at CBM Committee to allow the item Proposed Changes to the Constitution to be scheduled on the agenda of City Council before ‘Question Time’ and allocate 5 Minutes for that item.”

It was-

18741 **RESOLVED:-**

That, pursuant to CBM Committee discussions, Standing Orders be waived as follows:

- Allocate 5 Minutes for item 6 (Proposed Changes to the Constitution)

It was agreed at CBM Committee to allow the item Proposed Changes to the Constitution to be scheduled on the agenda of City Council before ‘Question Time’ and allocate 5 Minutes for that item.

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**PROPOSED CHANGES TO THE CONSTITUTION**

The following report of the Council Business Management Committee was submitted:-

(See document No 3)

Councillor John Clancy moved the motion which was seconded.

A debate ensued during which Councillor Timothy Huxtable indicated that the West Midlands Transport Authority (referred to in Article 11) was now the Transport for West Midlands with 7 Members.

Councillor John Clancy replied to the debate.

The Motion having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -



18742 **RESOLVED:-**

That approval be given to the necessary changes to the City Council's Constitution as indicated by the tracked changes in the appendix to the report and that the Acting City Solicitor be authorised to implement the changes with immediate effect.

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**QUESTION TIME**

18743 The Council proceeded to consider Oral Questions in accordance with Standing Order 9 (B).

Details of the questions asked are available for public inspection via the webcast.

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**APPOINTMENTS BY THE COUNCIL**

18744 There were no appointments to be made.

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**FUTURE COUNCIL WORKFORCE CONTRACT**

The following report of the Council Business Management Committee was submitted:-

(See document No 4)

Councillor Ian Ward moved the motion which was seconded.

A debate ensued.

Councillor Ian Ward replied to the debate.

The Motion having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -

18745 **RESOLVED:-**

That the City Council approves the proposed changes to terms and conditions as outlined in appendix D of this report and delegates responsibility for the implementation to the Chief Executive.

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**ADJOURNMENT**

It was moved by the Lord Mayor, seconded and

18746

**RESOLVED:-**

That the Council be adjourned until 1700 hours on this day.

The Council then adjourned at 1630 hours.

At 1702 hours the Council resumed at the point where the meeting had been adjourned.

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**EXTENSION OF TIME LIMIT**

It was moved by Councillor Sharon Thompson and seconded –

“That the time limit for ‘Motions for Debate from Individual Members’ be extended by 20 minutes.”

The Motion was put to the vote and, by a show of hands, was declared to be carried.

It was accordingly –

18747

**RESOLVED:-**

That the time limit for ‘Motions for Debate from Individual Members’ be extended by 20 minutes.

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**MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

The Council proceeded to consider the Motions of which notice had been given in accordance with Standing Order 4(A).

**Councillors Jon Hunt and Sue Anderson have given notice of the following Motion:-**

(See document No 5)

Councillor Jon Hunt moved the Motion which was seconded by Councillor Sue Anderson.

In accordance with Council Standing Orders, Councillors Ewan Mackey and Meirion Jenkins gave notice of the following amendment to the Motion:-

(See document No 6)

Councillor Ewan Mackey moved the amendment which was seconded by Councillor Meirion Jenkins.

In accordance with Council Standing Orders, Councillors Ian Ward and Waseem Zaffar gave notice of the following amendment to the Motion:-

(See document No 7)

Councillor Ian Ward moved the amendment which was seconded by Councillor Waseem Zaffar.

A debate ensued.

Councillor Jon Hunt replied to the debate.

The first amendment as amended having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The second amendment having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The Motion as amended by the amendments having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -

18748

**RESOLVED:-**

Council welcomes the opportunity to host the Commonwealth Games in Birmingham, providing that bidding does not distract the Council from the urgency of immediate issues, including very severe financial pressures.

Council affirms that our city is a city of sport and that recognition of our contribution to national and international sport is long overdue.

Council believes a successful bid will need to demonstrate widespread popular support and therefore proposes that a bidding committee use crowd-funding to contribute towards the full costs of making a bid, ensuring there is minimal risk to public funds. Crowd-funding will allow creative, modern ways of fund-raising, such as selling options on tickets in the event of a successful bid.

Recognising the current pressures on city Council expenditure, Council calls for a feasibility study to set out:

- proposals for investment for facilities in the city and wider region, arising from a successful bid;
- clear proposals for underwriting such investment;
- and a clear analysis of the potential economic benefit of the games, which can, not only unlock jobs and development, but also support the health and wellbeing of the city's population;

- In the spirit of openness and transparency, the Council makes public the full costings of any bid for the Commonwealth Games when they have carried out the preliminary investigations.

Furthermore, subject to the outcome of the feasibility study, the council supports a bid that is aligned to the opening of high speed rail connections to the city in 2026 and recognises the catalyst the Commonwealth Games would be for the early delivery of much needed housing and transport infrastructure.

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**B. Councillors Robert Alden and Gary Sambrook have given notice of the following Motion:-**

(See document No 8)

Councillor Robert Alden moved the Motion which was seconded by Councillor Gary Sambrook.

In accordance with Council Standing Orders, Councillors Lisa Trickett and Stewart Stacey gave notice of the following amendment to the Motion:-

(See document No 9)

Councillor Robert Alden moved the amendment which was seconded by Councillor Gary Sambrook.

A debate ensued.

**THE QUESTION BE NOW PUT**

It was moved by Councillor Sharon Thompson and seconded –

“That the question be put.”

The Motion was put to the vote and, by a show of hands, was declared to be carried.

It was accordingly –

18749 **RESOLVED:-**

That the question be now put.

Councillor Robert Alden replied to the debate.

The first amendment having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

Here upon a poll being demanded the voting, with names listed in seat number order, was as follows:-

(See document No 10)

The Motion as amended having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -

18750 **RESOLVED:-**

This Council notes the Government Consultation on Clean Air Zones and Asks the Executive of the Council to take into account the following points when formulating the Council's submission:

- (i) 900 premature deaths a year in Birmingham are attributable to poor air quality.
- (ii) The energy industry's contribution to the concentration of poor air in Birmingham is 5.7% compared to transports' up to 63.9%.
- (iii) The government is not mandating the charging of cars, motorcycles and mopeds in a Clean Air Zone.
- (iv) However, if Birmingham does not meet its targets set by Government, the Government could fine the Council by some £60m.
- (v) Such a fine could only be met by ever more swingeing cuts in Council services, felt most severely by the poor and disadvantaged. This turns the Tory Pollution Tax into a Tory Poll Tax.
- (vi) Any decision around what sort of Clean Air Zone is required should be taken on the basis of evidence generated as a result of a Clean Air Zone feasibility study that demonstrates it will have the desired outcomes for the city in terms of health benefits whilst supporting inclusive economic growth and access to opportunity. This should include transitional support to SME's and specifically taxi and private hire businesses.

The response should emphasise that national action is required on a number of areas including but not limited to: discouraging/reducing the use of diesel vehicles, encouraging the take up of ultra-low emission vehicles and investment in infrastructure to support a shift to forms of transport other than the private car, particularly for short trips.

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**C. Councillors John Clancy and Ian Ward have given notice of the following Motion:-**

(See document No 11)

Councillor John Clancy moved the Motion which was seconded by Councillor Ian Ward.

In accordance with Council Standing Orders, Councillors Ken Wood and Gary Sambrook gave notice of the following amendment to the Motion:-

(See document No 12)

Councillor John Clancy replied to the debate.

The first amendment as amended having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The Motion as amended by the amendment having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -

18751

**RESOLVED:-**

This Council is committed to the principle of Inclusive Growth and we welcome the interim findings of the RSA's Inclusive Growth Commission.

We believe that unless growth includes everyone, it is ultimately self-defeating, costing the state and wasting talent.

We further believe that to achieve growth for all we must integrate social and economic policy, devolve powers that are social as well as economic and prioritise prevention and early intervention.

We therefore call upon the government to:

- Put inclusive growth at the heart of the forthcoming Autumn Statement and Industrial Strategy
- Take forward measures to invest in both physical and human infrastructure and connect more people to economic opportunities, such as devolved skills and employment budgets.
- Introduce a new measure, a 'quality GVA', to track growth. This would enable us to measure not just hard economic numbers, but also changes in levels of deprivation, the impact of investment upon our deprived populations and how far economic prosperity is spreading.

## **City Council – 1 November 2016**

A great challenge also exists locally to ensure we rebalance growth across the entire City. Therefore, we call on the Council to:

- Ensure the Council budget for 2017/18 considers inclusive growth that brings benefit to all parts of the City.

To publish a timeline before 1<sup>st</sup> December 2016 for how and when an economic growth strategy covering all 40 wards (to be 67 from 2018) will be produced.

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The meeting ended at 1824 hours.

**WRITTEN QUESTION TO THE LEADER FROM COUNCILLOR ROBERT ALDEN**

**A1     Constitution**

**Question:**

**It was decided that there needed to be a quick analysis of the Constitution. Why did the Leader decide that this needed to be carried out quicker rather than wait for internal capacity?**

**Answer:**

The Statutory Role of the City Solicitor is to be responsible for the Council's Constitution, which includes maintaining, reviewing and monitoring the Constitution to ensure that it is lawful and that its aims and principles are given full effect.

Legal Services instructs external legal partner firms only in specific circumstances; the in-house legal service operates stringent demand management monitoring and when on occasion it is unable to meet work within necessary timeframes, the Service instructs a partner firm to carry out the work.

A review exercise by the Acting City Solicitor was firstly to ensure that the Council's Constitution was lawful, and this exercise warranted an expeditious timeframe.

A further review will now be undertaken in-house to update language, presentation and recognised best practice.



**WRITTEN QUESTION TO THE LEADER FROM COUNCILLOR BOB  
BEAUCHAMP**

**A2      Future Council**

**Question:**

**How much has the Council spent on the Future Council programme broken down by individual items including amount spent, date of commission and description of project since 1st January 2014?**

**Answer:**

**Future Council Programme Expenditure 2014/15 to 2016/17**

	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
	<b>£</b>	<b>£</b>	<b>£</b>
<b>Future Council Programme</b>	94,646	1,375,536	329,232
<b>Operating Model (Financial Plan &amp; Service Delivery)</b>		1,423,264	13,226
<b>Partnerships</b>		87,284	
<b>Forward The Birmingham Way</b>	26,825	775,325	
<b>Political Governance</b>		68,757	
<b>Support Services</b>		340,564	
<b>Community Leadership</b>		300,000	
<b>Policy Contingency</b>		289,588	
<b>Directorate</b>		514,354	
<b>Grand Total</b>	<b>121,471</b>	<b>5,174,672</b>	<b>342,458</b>

Should Councillor Beauchamp require additional detail, I would be happy to arrange for the relevant officers to meet with him and discuss his precise needs.

**WRITTEN QUESTION TO THE LEADER FROM COUNCILLOR EWAN  
MACKEY**

**A3     Sutton Coldfield Library**

**Question:**

**How much lost income does Birmingham Property Services anticipate they will suffer from the closure of Sutton Coldfield Library?**

**Answer:**

The vacation of Sutton Library from the Red Rose Centre will result in a reduction in rental income of £31,750 per annum.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM  
COUNCILLOR SUE ANDERSON**

**A4     Pension Fund - Management Fees**

**Question:**

**Quoted in the Birmingham Post, the Leader criticises the management fees paid by the West Midlands Pension Fund. Could he amplify, perhaps explaining the impact of these fees on returns for pensioners?**

**Answer:**

The average annual pension paid out nationally under the local Government Pension Scheme by the fund to its pensioners is £2,800 for women, £4,200 for men.

In contrast, investment managers for the West Midlands Local Government Pension Fund were paid £86.3 million expenses in 2014-15 and £74.9 million in 2015-16. It is clearly not the case that those stellar fees have been matched by stellar performance.

Over the past ten years returns on the fund's investments have been a paltry 5.6 per cent. During this time quantitative easing has sent stock markets and asset prices soaring. So I would question how much of the 5.6 per cent increase is due to the expertise of the investment managers.

Further, investment management fees are projected to be: 2016-17 72.8m, 2017-18 76.6m, 2018-19 80.4m, 2019-20 84.4m, 2020-21 88.5m.

At the same time, West Midlands councils have to pay top-up fees of £100 million this year to address the deficit, of which Birmingham's share is now £42 million (this is extra per year on top of what we pay as normal employer's contributions. In 2017-18 Birmingham's top-up fee is £65 million. You could argue that the fees to investment managers are causing the deficit for very unimpressive returns. It is a bail-out for the fund which seems go straight from Birmingham Citizens' and hardworking employees' pockets straight to already highly-paid investment managers.

Birmingham city council cannot afford to pay £65 million towards the deficit, nor should we have to. The council has already had to cut spending by about £500 million since 2010 as a result of the Government's austerity programme and may have to find a further £250 million by 2020. Clearly, more essential services for the citizens of Birmingham would have to be cut were the council forced to pay a further £65 million into the pension fund.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM  
COUNCILLOR CAROL JONES**

**A5     Pension Fund - benchmark**

**Question:**

**Quoted in the Birmingham Post, the Leader suggests that the ten year annual return of the West Midlands Pension Fund of 5.6% per annum has been inadequate. What benchmark has he used as a basis of his criticism?**

**Answer:**

There are many ways of measuring the performance of stock market investments across the world.

The annualised return of the West Midlands Local Government Pension Fund of 5.6 per cent over ten years can be compared with:

- FTSE High Dividend Yield Index 7.4%
- High-Yield Corporate Composite Index 7.11%
- Russell 1000 Growth Index 8.9%
- Russell 2000 Growth Index 8.3%
- NASDAQ US Dividend Achievers Select 7.4%
- S&P Mid Cap 400 Growth Index 10%
- Standard Life Inv UK Smaller Companies 12.2%
- Marlborough UK Micro Cap Growth 17.4%
- Unicorn UK Growth 14%

Over the same period the following unit trusts returned:

- Coronation Industrial Fund 18.7%
- SIM Industrial Fund 18.4%
- Investec Property Equity Fund A 16.3%
- Even investing in the Conservative Growth Composite Index would have returned 5.5%

During the same period UK Government bonds, upon which pension fund liabilities are calculated, returned just 2.6%.

The £161 million paid by to investment advisers over the past two years, had it remained in the West Midlands Local Government Pension Fund, would even in a high street bank savings account earning 1.5% AER have grown by almost £5 million.

Relatively poor returns by the WMLGPF are by no means a new phenomenon. During the years 2007-2013 the fund returned a meagre 0.6% above the effective annual savings rate.

## **City Council – 1 November 2016**

Members of the council must make their own minds up as to whether the following projected fees for the WMLGPF investment advisers represent value for money:  
2016-17 72.8m, 2017-18 76.6m, 2018-19 80.4m, 2019-20 84.4m, 2020-21 88.5m.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM  
COUNCILLOR IAN CRUISE**

**A6     Entering the “Secret Wealth Garden”**

**Question:**

**Could The Leader provide this Council with information regarding the Councils policy to bring investment for housing & infrastructure from Local Government Pension Funds (LGPFs) and the number of conversations he’s had with representatives of LGPFs regarding their 30% housing and infrastructure investment strategy?**

**Answer:**

While I would be delighted if the Local Government Pension Funds had a 30% housing and infrastructure investment strategy, I'm not sure that is yet the case. I've been very clear about my position on this. I think the LGPFs should be investing locally to a better return and made that clear when I met Geik Drever - the Director of Pensions at West Midlands Pension Fund.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM  
COUNCILLOR JON HUNT**

**A7     Snow Hill face-lift**

**Question:**

**Can the Leader explain how the proposals for a further face-lift for the Snow Hill area are to be funded?**

**Answer:**

The Snow Hill district, within Birmingham's City Centre, is identified in the Birmingham City Council's Big City Plan as an Area of Transformation - a place where big changes are anticipated and where key development opportunities exist. The growth and revitalisation of the Snow Hill district is central to the City's ongoing economic success and future growth prospects. The area is a major hub for the business, professional and financial services sector.

There are a range of projects within the area which are being developed aimed at improving pedestrian and public transport access to Snow Hill Station comprising of a package of measures focused on the public realm and public highways. Funding has been allocated from a variety of external funding sources including the Local Growth Fund (LGF); Enterprise Zone (EZ) and Colmore Business Improvement District (CBD).

The most advanced project within the programme is the Snow Hill Square which is currently out for public consultation. The funding for this project comprises of the following Capital allocation:

Stage	Allocation	Funding Source			
		BCC	CBD	LGF	EZ
Development	70,000	35,000	35,000		
Technical Design	450,000		100,000	250,000	100,000
Construction	3,300,000		700,000	2,600,000	
Total	3,820,000	35,000	835,000	2,850,000	100,000

Appropriate authorities to implement schemes will be sought in accordance with the Council's Gateway and Related Financial Approval Framework.

**WRITTEN QUESTION TO THE LEADER FROM COUNCILLOR GARY SAMBROOK**

**A8      Impower**

**Question:**

**How much has the Council spent with Impower broken down by individual items including amount spent, date of commission and description of project since 1st January 2014?**

**Answer:**

All spend since 1 January 2014 is shown on the table below with a description of the project that the spend relates to. The date of commission is not a field held on the system but the date that purchase orders have been raised can be used as a proxy and dates have been included on that basis.  
All figures provided exclude VAT.

Breakdown of Impower spend 1st Jan 2014 - 30th Sept 2016		
Directorate	Description	Amount £
Future Council 2015/16	Future Council-Long Term Planning/Strategic Support April - May 2015	103,573
	Future Council-Phase 1/2 & Short term review - October 15 - March 2016	574,927
	Future Council-Commercial Advisory Capacity (Veolia Contract) - Jan - March 2016	50,000
	Future Council-Adults Social Care - Outline business case prep - March 2016	179,650
<b>Future Council 2015/16 Total</b>		<b>908,149</b>
Kerslake Action Plan and Future Council preparation	Corporate preparations for and support for Kerslake Action Plans and the Future Council programme. January 15	140,088
<b>Kerslake Action Plan and Future Council preparation Total</b>		<b>140,088</b>
People (Adults)	This is support to the joint development of the health Sustainability and Transformation Plan (STP). This is part of funding for this agreed through the Future Council Programme. April - June 2016	329,450
	Older Adults Integration work, the predecessor of the Better Care Fund and STP. February 2014	360,167
<b>People (Adults) Total</b>		<b>689,617</b>
People (Children's Improvement)	DFE appointed Improvement partners Support for Improvement agenda January 2014 - March 15	1,482,178
	Provide interim SD cover July-Oct 2014	197,593
<b>People (Children's Improvement) Total</b>		<b>1,679,771</b>
People (Schools)	Schools Forum Facilitation Support - January 2016	7,720
<b>People (Schools) Total</b>		<b>7,720</b>
People (All Dir)	Design & Delivery of People DMT Away Day - May 2015	6,877
<b>People (All Dir) Total</b>		<b>6,877</b>
<b>Grand Total</b>		<b>3,432,222</b>



**WRITTEN QUESTION TO THE LEADER FROM COUNCILLOR TIMOTHY HUXTABLE**

**A9      Off Tracks**

**Question:**

**In Oral Questions on 13<sup>th</sup> September 2016, the Leader of the Council mentioned the intention of promoting Birmingham as a “Rail City”.**

**However, the Leader disappointingly only spoke about HS2 and its significance to Birmingham (disregarding the loss of the HS2 to HS1 link which would seamlessly connect Birmingham to Continental Europe and the Mayor of London’s proposal to terminate the HS2 line at Old Oak Common rather than Euston) and did not mention the restoration of local rail services (i.e. the Camp Hill, Tamworth and Sutton Park lines) and local railway stations along these lines in his answer.**

**Would the Leader like to take this opportunity to address his omission?**

**Answer:**

The City Council continues to support a HS1-2 Link, and has raised this matter through the Core Cities Group in discussions with Transport Ministers.

The City Council has stated to HS2 Ltd its opposition to locating the HS2 London terminus at Old Oak Common, emphasising that a central London terminus at Euston is required in order to achieve the strategic benefits of HS2 for Birmingham, the West Midlands and elsewhere.

In terms of the existing rail network, it is a particular high priority for the City Council that Bordesley/Camp Hill Chords and associated infrastructure measures will be essential to allow new local rail services on the Camp Hill, Birmingham-Tamworth and potentially Sutton Park, Lines – with new local stations in Birmingham - to operate from 2026 as key enablers of the Midlands Growth Strategy.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE  
COUNCIL FROM COUNCILLOR FIONA WILLIAMS**

**B1     City Centre Trees**

**Question**

**Information recently provided by officers indicate almost 200 mature City Centre trees have been felled because projects such as the Metro extension, Paradise Circus to name just two of them. There is a policy of replacing these felled trees with two, this is impossible as I have been informed that the underground services mean there is no room to plant the trees.**

**Given the fact that we are the first Biophilic City in the UK and are committed to looking after its trees who; where; and when; will this tree deficit be dealt with?**

**Answer:**

The number of trees removed in the City Centre in recent years is approximately 150 based on figures obtained from the planning department.

The city centre presents many issues for tree planting due to the competition for space for street furniture and traffic above ground, and the vast array of utilities below ground. Additional pressure from new projects and regeneration presents major challenges for trees in the city centre.

Older trees planted in the city centre were planted when this competition was not so much of a problem, but project officers now struggle to accommodate planting trees due to time, space and budget constraints. Locating services for viable locations and creating soil volumes large enough for a tree to grow is difficult. Relocating services is very expensive.

New projects such as the Centenary Square regeneration will add trees and in addition, officers have been tasked from both the planning department and highways to investigate suitable location for new trees in the city centre and a programme is being developed.

In relation to the City Council major transport projects around the city, there have been a total of 213 trees removed and 435 trees replanted.

Wider regeneration work will result in a net increase of trees by 478, subject to the above mentioned programme being developed.

**WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR RON STORER**

**B2     Business Rates**

**Question:**

**What is the average time to get new business rates entered onto the collection system including the average rates?**

**Answer:**

For a business rates bill to be issued, there must be an entry in the rating list maintained by the Valuation Office Agency (VOA). This is an organisation reporting to central Government and not to the City Council. The entry on the rating list must have the address of the property, a description of the property and its rateable value (RV). If we are notified of a change of ratepayer for an *existing* property, a bill will be issued within 10 working days of the city council being notified, except where further verification or clarification is required to ensure we have identified the ratepayer correctly. For example, we may have to obtain a copy of the lease or other relevant documentation, or carry out a site visit.

Where we become aware that a *new* property has been created, or an existing property has been split or merged with another, we report this to the VOA who will carry out a valuation. The VOA has 3 months within their national service level agreement to complete the valuation. However in circumstances where the local valuation team cannot undertake the assessment due to the complexity or potential value of the property, this then needs to be referred to the specialist valuation team and this process can take considerably longer. Once we receive formal notification that an assessment has been entered into the rating list, we issue a bill within 5 working days unless further verification or clarification is required.

The amount of business rates payable is calculated by multiplying the RV by the multiplier provided annually by DCLG, then applying any reliefs or exemptions that the ratepayer may be entitled to.

**WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR  
GARETH MOORE**

**B3     JNC Officers**

**Question:**

**How many days a year do JNC officers spend working for consultants, broken down by officer?**

**Answer:**

For the purpose of responding to this question the term “working for” has been defined as relating to a scenario where an officer has provided services for a fee or some form of personal recompense.

There are no recorded instances of this occurring.

**WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR BOB BEAUCHAMP**

**B4     JNC Officers 2**

**Question:**

**List all companies, public or private any JNC officers have worked for in the last 12 months?**

**Answer:**

In responding to this question the following assumptions have been made:

- It relates to our current cadre of JNC officers
- It relates to whilst they have also been in the employment of BCC
- The term “worked for” relates to a scenario where an officer has provided services for a fee or some form of personal recompense

There are no recorded instances of this happening over the last 12 months.

**WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR  
ROBERT ALDEN**

**B5     Costing**

**Question:**

**What is the amount spent by the Council's Legal Team on the Constitution?**

**Answer:**

The cost of undertaking the review of the Constitution was £3,000 plus VAT.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE  
COUNCIL FROM COUNCILLOR IAN CRUISE**

**B6      Policy on the Back of a Library Book**

**Question**

**Will the Deputy Leader inform the Council of the criteria, formula or methodology used to decide whether a Public Library will fully close, stay open but with reduced hours or retain a full operation? Could he also provide the footfall figures for each Public Library for the period April 2015 – October 2016?**

Answer:

The criteria for undertaking the needs assessment and all of the data used in the process (including footfall) were set out in Appendix 3a of the cabinet report. The cabinet report even went beyond this providing in appendix 3c profiles for each individual community library including data on demographic use, transport, employment and educational statistics.

All of this information is publically available on the Be Heard consultation website.

Note: the data used in the model is 2015/16. The footfall data is an annual count and for 2016/17 is not yet available.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE  
COUNCIL FROM COUNCILLOR ZAKER CHOUDHRY**

**B7     Community Library Proposals**

**Question:**

**At Cabinet, the Deputy Leader said the community library proposals currently under consultation would deliver the budget targets. Item CC27 in the budget and business plan envisages step up savings of £3m in 2018 and a further £5m in 2019. It states "This approach means that libraries, adult education and early year's services in the future will need fewer separate buildings". Can he state how this is to be achieved?**

**Answer:**

The saving proposal (CC27) that has been identified in the City Council and Business Plan 2016 includes the following two components as set out in the table below:

	<b>2017/18 £m</b>	<b>2018/19 £m</b>	<b>2019/20 £m</b>
Open for Learning	2,000	5,000	10,000
Community Libraries	688	688	688
<b>Total</b>	<b>2,688</b>	<b>5,688</b>	<b>10,688</b>
<b>Step Up Saving (as per Question)</b>	<b>-</b>	<b>3,000</b>	<b>5,000</b>

The report on the consultation for the new Community Libraries model will fully deliver the Community Libraries element of the saving (subject to the outcomes of the consultation).

The Open for Learning proposal is subject to further review and the outcomes of this review will be reported in the City Council Business Plan and Budget for 2017+ that will be reported to City Council in February/March 2017.



**WRITTEN QUESTION TO THE ASSISTANT LEADER (COUNCILLOR MARJE BRIDLE) FROM COUNCILLOR DEIRDRE ALDEN**

**C1     Workload 1**

**Question:**

**Given the oral answer given to be me by Councillor Marje Bridle at the September Council meeting, that the Assistant Leaders have carried out some work individually (as well as collaboratively), would you please tell me what meetings and all other work you have done in connection with your role since you were appointed. Please include the collaborative meetings you attended and the work you have carried out individually?**

**Answer:**

Following your equivalent question in September, our work programme went to the Cabinet Committee – Local Leadership on 20 September 2016, and I attach a copy of it after C4 question and answer for your ease of reference.

We have systematically worked on delivering it. We emailed an update on our work to all councillors on 14 October 2016. We all four of us presented out work together, to the Improvement Panel on 17 October 2016, demonstrating how we have responded to their priorities and the Kerslake report.

We are working as a united team of four – this is a unique way of getting on top of the problems facing the City as a result of the unprecedented cut in Central Government support.

**WRITTEN QUESTION TO THE ASSISTANT LEADER (COUNCILLOR TONY KENNEDY) FROM COUNCILLOR DEIRDRE ALDEN**

**C2     Workload 2**

**Question:**

**Given the oral answer given to be me by Councillor Marje Bridle at the September Council meeting, that the Assistant Leaders have carried out some work individually (as well as collaboratively), would you please tell me what meetings and all other work you have done in connection with your role since you were appointed. Please include the collaborative meetings you attended and the work you have carried out individually?**

**Answer:**

Following your equivalent question in September, our work programme went to the Cabinet Committee – Local Leadership on 20 September 2016, and I attach a copy of it after C4 question and answer for your ease of reference.

We have systematically worked on delivering it. We emailed an update on our work to all councillors on 14 October 2016. We all four of us presented out work together, to the Improvement Panel on 17 October 2016, demonstrating how we have responded to their priorities and the Kerslake report.

We are working as a united team of four – this is a unique way of getting on top of the problems facing the City as a result of the unprecedented cut in Central Government support.

**WRITTEN QUESTION TO THE ASSISTANT LEADER (COUNCILLOR ANSAR ALI KHAN) FROM COUNCILLOR DEIRDRE ALDEN**

**C3      Workload 3**

**Question:**

**Given the oral answer given to be me by Councillor Marje Bridle at the September Council meeting, that the Assistant Leaders have carried out some work individually (as well as collaboratively), would you please tell me what meetings and all other work you have done in connection with your role since you were appointed. Please include the collaborative meetings you attended and the work you have carried out individually?**

**Answer:**

Following your equivalent question in September, our work programme went to the Cabinet Committee – Local Leadership on 20 September 2016, and I attach a copy of it after C4 question and answer for your ease of reference.

We have systematically worked on delivering it. We emailed an update on our work to all councillors on 14 October 2016. We all four of us presented out work together, to the Improvement Panel on 17 October 2016, demonstrating how we have responded to their priorities and the Kerslake report.

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**WRITTEN QUESTION TO THE ASSISTANT LEADER (COUNCILLOR NARINDER KAUR KOONER) FROM COUNCILLOR DEIRDRE ALDEN**

**C4     Workload 4**

**Question:**

**Given the oral answer given to be me by Councillor Marje Bridle at the September Council meeting, that the Assistant Leaders have carried out some work individually (as well as collaboratively), would you please tell me what meetings and all other work you have done in connection with your role since you were appointed. Please include the collaborative meetings you attended and the work you have carried out individually?**

**Answer:**

Following your equivalent question in September, our work programme went to the Cabinet Committee – Local Leadership on 20 September 2016, and I attach a copy of it here for your ease of reference.

We have systematically worked on delivering it. We emailed an update on our work to all councillors on 14 October 2016. We all four of us presented out work together, to the Improvement Panel on 17 October 2016, demonstrating how we have responded to their priorities and the Kerslake report.

We are working as a united team of four – this is a unique way of getting on top of the problems facing the City as a result of the unprecedented cut in Central Government support.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR MATT BENNETT**

**D1     Attendance**

**Question:**

The Birmingham Education Partnership, an organisation set up to deliver school improvement services for BCC and funded almost entirely through that contract recently held its first annual conference. The event was sponsored by a number of organisations, including another beneficiary of Council funding, Service Birmingham. In addition to the conference itself there was a lavish dinner held at the Hilton Hotel the night before, with TV's Ruby Wax and Sameena Ali Khan as celebrity guest hosts. This star studded occasion was also attended by the cabinet member and senior council officers. The cost of the event, including dinner, was advertised at £250 per person for BEP Members and £350 per person for non-members. Can the cabinet member advise:

**How many Council officers and elected members attended?**

**Answer:**

One elected member (Cllr Jones) and nine Council officers.

Free conference places were provided for Cllr Jones and four Council officers. The remaining five places were charged at £230 each and were paid for from the respective service budget (two officers from Schools HR, the Headteacher of Birmingham Virtual School and two Education Services Assistant Directors). No BCC officer was charged for the dinner.

Three BCC officers made presentations to the conference and one ran a stall promoting BCC educational publications.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR BOB BEAUCHAMP**

**D2     Attendance 2**

**Question:**

The Birmingham Education Partnership, an organisation set up to deliver school improvement services for BCC and funded almost entirely through that contract recently held its first annual conference. The event was sponsored by a number of organisations, including another beneficiary of Council funding, Service Birmingham. In addition to the conference itself there was a lavish dinner held at the Hilton Hotel the night before, with TV's Ruby Wax and Sameena Ali Khan as celebrity guest hosts. This star studded occasion was also attended by the cabinet member and senior council officers. The cost of the event, including dinner, was advertised at £250 per person for BEP Members and £350 per person for non-members. Can the Cabinet Member advise:

What were her choices from the menu and wine list?

**Answer:**

I'm a vegetarian. Wine list? This was a teachers' conference, not a Tory fundraiser.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR GARETH MOORE**

**D3      Cost**

**Question:**

The Birmingham Education Partnership, an organisation set up to deliver school improvement services for BCC and funded almost entirely through that contract recently held its first annual conference. The event was sponsored by a number of organisations, including another beneficiary of Council funding, Service Birmingham. In addition to the conference itself there was a lavish dinner held at the Hilton Hotel the night before, with TV's Ruby Wax and Sameena Ali Khan as celebrity guest hosts. This star studded occasion was also attended by the cabinet member and senior council officers. The cost of the event, including dinner, was advertised at £250 per person for BEP Members and £350 per person for non-members. Can the Cabinet Member advise:

**What the cost of the tickets including who met the cost?**

**Answer:**

Free conference places were provided for Cllr Jones and four Council officers. The remaining five places were charged at £230 each and were paid for from the respective service budget (two officers from Schools HR, the Headteacher of Birmingham Virtual School and two Education Services Assistant Directors). No BCC officer was charged for the dinner.

The conference overall was self-funding with considerable sponsorship from private firms in the education sector. The BCC contract funds were not used for the conference. Evaluations from delegates were overwhelmingly positive.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR KEN WOOD**

**D4      Missing from Education**

**Question:**

**In the July Council meeting, following criticism from an Ofsted monitoring visit in relation to the Council removing children missing from education from their books, Councillor Jones stated the following:**

**“All local authorities remove children from their books after extensive checks within the limits of their powers and in line with the national framework and this happened with these children the same as it would in any local authority. We’re not the border police, we’re not the local police, we’re not Interpol, there is a limit to what a council can do. Our policies and procedures to deal with CME are well established and are being further strengthened in the light of recent feedback but the real weakness is in the national policy which does limit council powers. We need a joined up debate across the country”**

**“I’m not the national government and my hands are tied by the regulations they put in place. “**

**“There were 250 children who we’d reached the end of reasonable efforts, we removed them from the list exactly the same as every other council does, in line with national procedures.”**

**Is the Cabinet Member quite sure this is accurate?**

**Answer:**

Since July 2016 there has been significant work undertaken to raise the profile and strengthen the actions taken to identify children who are missing from education. The O&S Committee on the 12<sup>th</sup> October 2016 received a detailed report which provided an update on these actions.

The DfE issued new guidance on Children Missing Education in September 2016. Since then a new BCC policy has been developed. This was issued to schools at the start of the new academic year.

Prior to September 2016, a review of procedures to identify the whereabouts of the children missing education was completed. The procedures were found to be appropriate and fit for purpose. This was positively commented on by HMI during the Sept CSC inspection.

The practice which has changed since September 2016, has included:- a more robust data set- we now have a better understanding of the number of children missing from education

- greater clarity within the schools about the actions they must take within the first 5 days of the child becoming missing



- stopping the practice of removing Children from the register if they couldn't be found after a period of time. All children are maintained on the register and continuous checks are made to identify their whereabouts
- now placing alerts on BCC's Audit Data Warehouse - Children are no longer removed from the Council's records, but retained on the Impulse data base as 'cases pending further enquiries' and Birmingham Audit have agreed to upload the information into the Data Warehouse to alert all system users, including the Police.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR DES FLOOD**

**D5     Children in Need**

**Question:**

**How much money does Birmingham City Council spend on every child who is in need in comparison to previous years since 2012?**

**Answer:**

The total direct section 17 spend for Children In Need is as follows:

12/13 £2.7m

13/14 £3.6m

14/15 £3.1m

15/16 £3.7m

16/17 (forecast) £4.0m

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR RANDAL BREW**

**D6      Supported Children**

**Question:**

**How many children in our City are supported by Looked after Child Plan, Child Protection Plan and Children in Need Plan?**

**Answer:**

Looked after Children Plan	1820
Child Protection Plan	820
Child In Need Plan	2152

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR DEBBIE CLANCY**

**D7     Assessments**

**Question:**

**How many children are awaiting assessment against the Looked after Child Plan,  
Child Protection Plan and Children in Need Plan?**

**Answer:**

An open assessment is where a child is currently undergoing an assessment in accordance with the Children's Act 1989: S17 (Child In Need) or S47 (Child Protection). The number of children with open assessments is:

S17 – The number of children with an open S17 assessment is: 1636.

S47 – The no of children with an open S47 assessment and those with an open initial child protection conference is: 132.

There are currently 2 cases awaiting allocation to Social Workers.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR RON STORER**

**D8     Assistant Directors**

**Question:**

**How many Assistant Directors for Education are there in our City including when they were appointed?**

Answer:

As was all explained at the member training session last Monday.

There are currently four Assistant Directors for Education.

AD Vulnerable Children – appointed c. 5 years ago. Currently this position being covered by an Acting Assistant Director

AD Education Infrastructure and early years – appointed in 2015

AD Full participation/14 plus pathways – appointed 2016 (50% funded by Birmingham City University)

AD safeguarding in education post created in wake of OfSTED's criticisms in June 2016. Currently filled on interim basis with plans to advertise the post nationally.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,  
FAMILIES AND SCHOOLS FROM COUNCILLOR GARY SAMBROOK**

**D9     Roles**

**Question:**

**What are each of the Assistant Directors for Education roles and responsibilities?**

Answer:

As was all explained at the member training session last Monday.

AD Vulnerable Children – covers all SEND and inclusion (Special Educational Needs Assessment and Review Service, Access to Education – educational psychology service, communications and autism team, pupil and school support), links with special schools, mainstream schools with resource bases, liaison with SENDIASS (the SEND Independent and Advice Support Service)

AD Education Infrastructure and EY – covers Early Years, Admissions and Place Planning, pupil placements and fair access protocols, education infrastructure, lead officer for liaison with DfE and RSC on academisation and free schools.

AD Full participation/14 plus pathways – covers relations with schools with sixth forms, FE colleges, universities, employers, full participation in education, training and work, reduction of NEETs and school and governor support. Currently also Travel Assist and budget planning.

AD safeguarding in education – all aspects of safeguarding including children missing from education, exclusions, links with children's social care, alternative education, independent school links, the virtual school and looked after children's education service, resilience of schools to extremist pressures, quality assurance of the BEP contract for school improvement and Cityserve.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,  
RECYCLING AND ENVIRONMENT FROM COUNCILLOR BOB BEAUCHAMP**

**E1     Trees**

**Question:**

**How many trees has the Council planted in each Ward for the last 5 years?**

**Answer:**

The table below illustrates those trees planted via Parks Services (non-highways trees) and those planted via Amey (Highways trees).

Ward	Non-highways						Highways						Grand Total
	11-12	12-13	13-14	14-15	15-16	Total - 5 years	11-12	12-13	13-14	14-15	15-16	Total - 5 years	
Acocks Green	500	0	0	1000	500	2000	19	19	36	42	53	169	2169
Aston	0	3	5	0	10	18	7	40	21	54	9	131	149
Bartley Green	1507	656	210	1518	300	4191	13	54	34	1	85	187	4378
Billesley	0	0	1500	500	767	2767	90	21	40	45	91	287	3054
Bordesley Green	0	0	0	10	0	10	32	6	89	21	6	154	164
Bournville	10	5	0	8	0	23	23	29	37	94	23	206	229
Brandwood	0	10	60	0	1000	1070	20	33	52	32	18	155	1225
Edgbaston	5	0	0	0	0	5	7	9	8	20	35	79	84
Erdington	10	3010	1000	0	0	4020	51	22	34	17	53	177	4197
Hall Green	0	302	0	0	1	303	66	37	66	163	36	368	671
Handsworth Wood	10	10	0	0	0	20	51	33	26	115	32	257	277
Harborne	0	5	15	0	0	20	80	14	15	40	12	161	181
Hodge Hill	1003	0	10	500	508	2021	27	27	32	26	64	176	2197
Kings Norton	0	510	0	6	0	516	21	24	54	65	26	190	706
Kingstanding	20	0	1000	500	755	2275	40	35	29	11	15	130	2405
Ladywood	10	6	0	8	1	25	8	2	2	9	11	32	57
Longbridge	20	18	2000	4001	2024	8063	25	30	32	31	80	198	8261
Lozells & East Handsworth	12	10	10	10	0	42	41	19	5	9	16	90	132
Moseley & Kings Heath	0	10	0	0	0	10	27	5	13	17	8	70	80
Nechelles	0	8	0	0	0	8	17	51	10	22	30	130	138
Northfield	10	0	20	0	0	30	19	62	32	128	17	258	288
Oscott	0	0	0	0	0	0	68	63	68	64	25	288	288
Perry Barr	0	0	1105	1020	290	2415	26	34	34	49	60	203	2618
Quinton	0	0	0	0	505	505	71	36	120	55	22	304	809
Selly Oak	0	0	8	6	1	15	17	13	41	16	30	117	132
Shard End	1000	1001	500	0	500	3001	51	20	8	39	48	166	3167
Sheldon	20	0	174	510	500	1204	65	114	37	48	26	290	1494
Soho	808	10	10	15	10	853	9	3	6	22	5	45	898
South Yardley	10	5	0	6	0	21	19	30	32	33	31	145	166
Sparkbrook	10	10	10	10	10	50	3	2	9	14	9	37	87
Springfield	10	0	0	10	10	30	19	14	34	18	35	120	150
Stechford and Yardley North	0	0	500	0	0	500	24	34	34	29	42	163	663
Stockland Green	0	0	0	0	0	0	56	29	28	10	25	148	148
Sutton Four Oaks	0	0	0	1000	0	1000	48	22	10	29	11	120	1120
Sutton New Hall	0	320	210	15	520	1065	66	18	38	30	20	172	1237
Sutton Trinity	316	10	0	0	0	326	22	22	16	23	16	99	425
Sutton Vesey	0	15	10	0	10	35	34	23	41	88	40	226	261
Tyburn	1000	1005	0	2008	250	4263	49	28	17	33	178	305	4568
Washwood Heath	0	712	0	0	0	712	42	9	8	7	11	77	789
Weoley	0	10	0	0	0	10	44	71	59	52	21	247	257
<b>Total</b>	<b>6291</b>	<b>7661</b>	<b>8357</b>	<b>12661</b>	<b>8472</b>	<b>43442</b>	<b>1417</b>	<b>1157</b>	<b>1307</b>	<b>1621</b>	<b>1375</b>	<b>6877</b>	<b>50319</b>

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN  
STREETS, RECYCLING AND ENVIRONMENT FROM  
COUNCILLOR SUE ANDERSON**

**E2     Fixed Penalty Notices**

**Question:**

**How many fixed penalty notices have been issued for fly-tipping since powers became available in May?**

**Answer:**

Government introduced on the 9<sup>th</sup> May 2016 powers to enable fixed penalty notices to be issued in appropriate circumstances for small scale incidents of fly-tipping.

The level of the fixed penalty amount is set by the Council at the current statutory maximum (£400) and their use has to be balanced against the scale of the incident and any clearance costs. The power to issue these fixed penalties is not retrospective and to date no fixed penalties have been issued under the provisions. The burden of proof for issuing fixed penalties is identical to that required for a full criminal prosecution and determination of the appropriateness of their use has to be made under the Council's Regulation & Enforcement Division Enforcement Policy and the Crown Prosecution Service's Code for Crown Prosecutors which sets out evidential and public interest tests.

The Council's Waste Enforcement Unit currently has in progress 401 waste related incidents/investigation, for which 142 are at a stage where the appropriate legal action is being considered. Of these cases, 102 are suspected as occurring after May 2016 and consideration in respect of the potential for fixed penalty notice use is still being considered, however our current position is to refer these matters for the institution of proceedings rather than the lighter option of issuing an FPN.



**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,  
RECYCLING AND ENVIRONMENT FROM COUNCILLOR GARY SAMBROOK**

**E3      Street Cleansing**

**Question:**

**What is the latest street cleansing inspection data, per ward, for the period April-October 2016, covering all 5 categories of the Environmental Quality Survey (Litter, Detritus, Fly-posting, Graffiti and Weed Growth)?**

**Answer:**

2016/17 street cleansing inspection data is given in the table below:

<b>Ward</b>	<b>Litter</b>	<b>Detritus</b>	<b>Fly-posting</b>	<b>Graffiti</b>	<b>Weed growth</b>
	<b>2016/17</b>	<b>2016/17</b>	<b>2016/17</b>	<b>2016/17</b>	<b>2016/17</b>
Acocks Green	12.86	25.76	2.86	6.43	10
Aston	45.71	25.71	7.14	15.00	31
Bartley Green	8.57	15.08	0.71	6.43	19
Billesley	2.14	7.14	0.00	2.86	7
Bordesley Green	24.29	10.77	5.71	11.43	6
Bournville	1.43	10.00	2.14	7.14	24
Brandwood	13.57	30.00	2.86	15.00	31
Edgbaston	2.14	10.71	2.14	0.71	7
Erdington	4.29	5.97	0.00	0.00	13
Hall Green	6.43	32.84	3.57	10.00	18
Handsworth Wood	12.86	25.36	0.71	4.29	13
Harborne	5.71	36.57	2.86	6.43	28
Hodge Hill	20.00	13.64	5.71	10.71	17
Kings Norton	5.71	12.10	0.71	12.14	3
Kingstanding	14.29	16.91	0.71	6.43	10
Ladywood	12.14	26.47	7.86	12.86	13
Longbridge	3.57	15.15	1.43	5.00	14
Lozells & East Handsworth	18.57	15.71	5.00	5.71	4
Moseley & Kings Heath	3.57	42.54	2.86	15.00	10
<b>Ward</b>	<b>Litter</b>	<b>Detritus</b>	<b>Fly-posting</b>	<b>Graffiti</b>	<b>Weed growth</b>
	<b>2016/17</b>	<b>2016/17</b>	<b>2016/17</b>	<b>2016/17</b>	<b>2016/17</b>
Nechells	28.57	11.19	5.71	10.71	6
Northfield	3.57	8.46	2.14	8.57	8

**City Council – 1 November 2016**

Oscott	11.43	10.00	2.86	0.71	16
Perry Barr	10.71	13.57	5.71	6.43	11
Quinton	8.57	17.16	5.00	1.43	13
Selly Oak	4.29	11.94	9.29	13.57	12
Shard End	6.43	21.32	5.71	15.71	22
Sheldon	6.43	30.43	1.43	14.29	19
Soho	25.00	14.93	7.14	7.86	15
South Yardley	11.43	17.91	10.00	19.29	13
Sparkbrook	16.43	20.71	5.71	17.86	13
Springfield	5.71	3.08	3.57	1.43	5
Stechford & Yardley North	10.00	10.16	2.14	13.57	19
Stockland Green	15.00	29.85	4.29	5.00	22
Sutton Four Oaks	0.00	10.29	1.43	0.00	25
Sutton New Hall	1.43	29.23	0.00	2.86	31
Sutton Trinity	1.43	30.00	0.00	0.71	12
Sutton Vesey	3.57	28.79	0.71	4.29	26
Tyburn	12.14	6.52	1.43	5.00	4
Washwood Heath	30.00	13.43	9.29	7.86	10
Weoley	2.14	16.13	5.71	5.00	5
Target (percentage of unsatisfactory inspected sites based on 70 sites inspected per ward)	5	8.35	1	7	0-5

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,  
RECYCLING AND ENVIRONMENT FROM COUNCILLOR DEIRDRE ALDEN**

**E4      Missed Collections**

**Question:**

**What is the cost of missed collections given the Council savings target of SN7 to reduce failed waste collections, per year since 2012 including year to date?**

**Answer:**

We do not hold detailed data for missed collection costs, most of which are generally picked up as additional work which is given to scheduled collection rounds within normal working hours. When missed collections are higher additional vehicles are required with an estimated additional cost of £400 - £450 per vehicle per day which collects up to 300 missed collections per day.

The table reflects the worst and best performing weeks for the 4 depots, showing a circa ten-fold improvement between the worst performing week and current performance since the introduction of wheelie bins, and a likely corresponding reduction in costs.

SN7 is a savings target attached to a wider service improvement delivery model for refuse collection.

<b>NUMBER OF MISSED COLLECTION PER 100,000 SCHEDULED COLLECTIONS PER DEPOT</b>			
<b>Depot</b>	<b>PRE WHEELIE BIN</b>	<b>POST WHEELIE BIN</b>	<b>CURRENT PERFORMANCE (Residual)</b>
	Worst performing week	Worst performing week	
Redfern	<b>35</b> (17 <sup>th</sup> – 23 <sup>rd</sup> November 2014)	<b>316</b> (8 <sup>th</sup> -14 <sup>th</sup> December 2014)	<b>10</b>
Perry Barr	<b>34</b> (25 <sup>th</sup> – 31 <sup>st</sup> May 2015)	<b>266</b> (1-7 <sup>th</sup> June 2015)	<b>27</b>
Lifford	<b>72</b> (9 <sup>th</sup> – 15 <sup>th</sup> November 2015)	<b>467</b> (23 <sup>rd</sup> -29 <sup>th</sup> November 2015)	<b>37</b>
Montague Street	No domestic collections from here	<b>238</b> (23 <sup>rd</sup> -27 <sup>th</sup> June 2014)	<b>26</b>

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,  
RECYCLING AND ENVIRONMENT FROM COUNCILLOR GARETH MOORE**

**E5     Ricardo**

**Question:**

**How much is the company Ricardo-AEA Limited costing the Council?**

**Answer:**

To date £8,920 has been spent against an approved order of £59,000. Spend against this contract is reported publicly as part of the Council's monthly spend report.

NB The contract value is commercially sensitive and should not be made public.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,  
RECYCLING AND ENVIRONMENT FROM COUNCILLOR IAN CRUISE**

**F1      Value for Money**

**Question:**

**Could the Cabinet Member share with this Council the cost of delivering both the Green Waste collection and Bulky Waste collection against the revenue generated from residents paying for each of the services?**

**Answer:**

Green waste collections are undertaken by 11 collection rounds at an annual cost of approximately £1,650,000. They collect 15,000 tonnes per annum (which is rising) and attracts a disposal cost of c.£561,000.

The total service cost is therefore approximately £2.21 million.

Income from c.63,000 customers equates to £2.02 million and the diversion away from costly landfill therefore ensures that this service covers its costs.

This is because green waste, if not collected separately under this chargeable service, would inevitably be presented by residents for collection with their residual waste stream, where the Council is unable to charge for collection. It would increase the residual tonnage to the point where the Council would need to landfill more waste at an increased disposal charge. Landfill is currently c. £120 per tonne whilst green waste composting is c.£37 per tonne.

Bulky waste collection costs are approximately £300,000 per year operating across two collection vehicles collecting c.21,000 orders per annum. Income generated from the service is c.£490,000 per annum so there is a surplus generated.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND  
SOCIAL CARE FROM COUNCILLOR LYN COLLIN**

**F2      Citizens**

**Question:**

How will the Cabinet Member ensure that under the Sustainability and Transformation agenda, social care in Birmingham will receive an improved and more efficient delivery for all its citizens?

**Answer:**

I would like to thank Cllr Collin for asking me this question, and I also welcome the support and challenge offered by our Health, Wellbeing and Environment Scrutiny Committee as I understood there was a full and proper discussion about the (Sustainable Transformation Plan) STP last week.

In my capacity as Cabinet Member and Chair of our Health and Wellbeing Board I have been very verbal about how our health and care system needs to change over the next few years and that this must be something that is properly aired in public. I was, therefore, especially pleased to see that on Monday, the Birmingham and Solihull STP was only one of two STP's to be reported nationally other sessions will be arranged over the coming few weeks to ensure everyone does get to have a say.

I continue to stress how important it is to the whole local health and care system that social care is properly funded. With that in mind, I raised these issues directly with the then Under Secretary of State for Health 2 months ago. I reminded him of the serious pressures facing the adult care system, which are greater in Birmingham because of the link between deprivation and higher public spending. I pointed out my concerns about the City Council forced to consider reducing services to manage within budget limits as we head into winter. At the same time we are seeing providers withdraw from residential care because the strain of operating has become too great.

I have yet to receive a reply to my letter.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING  
AND HOMES FOR FROM COUNCILLOR KAREN TRENCH**

**G1     Rough Sleepers**

**Question:**

**Previous question 2nd February 2016.**

**A few weeks ago the Cabinet Member briefed members on work underway to address the problem of rough sleepers. Could he update the Council on what steps have been taken since to tackle this growing problem?**

**In response to a question from Councillor Tilsley in February (as above) the cabinet member explained that a review of services was taking place.**

**Can we have an update on this?**

**Answer:**

Further to the previous question on 2 February 2016, the following actions have been taken:

- **A successful Homeless Summit was held on 12 October 2016 with partners and obtained support to work together to reduce homelessness in Birmingham.**
- **A partnership Visioning Day was held on 21 October to initiate a Homelessness Change Programme. Part of this work will include a review of existing accommodation provision and outreach and engagement services.**
- **A multi-agency all out day was undertaken in the City Centre on 25 October to identify the wider public place management issues to feed into action plans for both individuals and locations.**
- **A rough sleepers mapping exercise will be undertaken to further understand the journey of those sleeping on our streets, this is scheduled for early November.**
- **A meeting has been held with a faith organisation to consider a proposal for a new emergency triage and assessment facility for rough sleepers.**
- **Planning has commenced on this year's annual rough sleeper count and cold weather provision.**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING  
AND HOMES FROM COUNCILLOR IAN CRUISE**

**G2     Charging more, reducing service**

**Question**

**From January the Council is planning to increase the service charge for residents in Birmingham City Council Sheltered Housing schemes as part of the “service review”. Could the Cabinet Member inform me of the total annual revenue expected to be raised from the increase in the service charge and if the revenue raised will be ring-fenced for Sheltered Housing and help reduce the unfair cuts to the Sheltered Housing budget?**

**Answer:**

The sheltered housing service was previously funded through the Supporting People programme, which met the costs of the support officer. Sadly this funding is no longer available which has meant that we need to review how we can continue to provide the service going forward.

Part of the review has looked at increasing service charges and we have carried out a consultation exercise with all residents to help us shape the future model. The outcome of this, along with the proposed service charge increase, will be subject to a full cabinet report which will be presented in due course.



**WRITTEN QUESTION TO THE CABINET MEMBER FOR  
TRANSPORT AND ROADS FROM COUNCILLOR ROGER  
HARMER**

**H1     Nudge campaign reduce reliance on car trips**

**Question:**

**Budget line SN2 of the budget and business plan proposes spending money this year and next on a "nudge" campaign to reduce reliance on car trips. It then promises £5m a year in savings in 2018. Can the Cabinet Member set out how these savings will be achieved, reporting on progress towards this objective?**

**Answer:**

SN2 contains a number of measures to reduce the demand for single occupancy journeys into the city centre. This involves improvements to public transport, walking and cycling provision. As part of this overall package of measures, it is important to work with residents, business and visitors to encourage change in behaviour and influence more sustainable choices around how journeys are made.

The Nudge programme element of SN2 therefore supports the wider ambition to manage traffic demand.

The overall savings are still being developed in terms of resultant changes that will be made to transport infrastructure and services. These changes will also need to take into account government directions on air quality.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR  
TRANSPORT AND ROADS FROM COUNCILLOR RAY HASSALL**

**H2     GIS mapping system - street scene issues**

**Question:**

**Line SN9 of the budget and business plan proposes the use of a GIS mapping system to improve efficiency of reporting of street scene issues, promising an annual saving of £55,000. Can the Cabinet Member report on progress towards developing this system, indicating whether the saving will be achieved in the current financial year?**

**Answer:**

The GIS mapping system is part of a wider, ambitious project to transform the way we interact with and provide geographical information to both citizens and staff.

The use of GIS to report street scene issues will allow staff and citizens to quickly and easily report issues, without the need to know which department or service provider would be responsible for the repair and to track progress as the issue is dealt with.

The development of GIS is in the early stages, but once the technologies have been fully implemented and integrated with our service provider systems, it will reduce demand on our contact centre, as staff and citizens will be able to make 'self-service' reports and requests without the need to call the contact centre, leading to a reduction in call volumes and more efficient call handling. The ability of staff and citizens to be able to report issues and obtain status up-dates, at the time of their choosing, will improve the overall customer experience, as it puts them in control of the contact process. This initiative will also support key themes of improving customer insight, supporting channel migration and reducing avoidable contact as we move more of our services, where appropriate to this delivery method and are able to produce higher quality intelligence as a result.

Discussions have already started with service providers and other local authorities who already have similar systems in place and we have already made available on line information relating to Gritting Routes, Grit Bin locations and road works information.

A specialist team has also been set up to explore the wider benefits GIS will provide to the City, such as how we can use the information for analysis and reporting, as well as, co-ordinating planned works, reducing disruption and publishing open data.

The savings identified in the business case due to the anticipated reduction in call volumes and repeat contacts from staff and citizens will be fully realised when the GIS system is fully integrated with both the Council's Customer Relationship Management System and with our Service Providers Management Information Systems, as this will eliminate the need for call handlers to intervene in the majority of transactions. The technological integration necessary to produce the required improvements in customer experience is complex and is one of the critical key dependencies for this project.

This already complex piece of work has been further complicated by the Council's decisions to review both its Web Technology provider and Customer Relationship Management System provider, which is part of a wider customer service transformation project. Subject to the resolution of these challenges, I am confident in being able to go live with the GIS system before the end of the financial year. At which point the savings, due to the reduction in call-handling identified in the Business Case, will begin to be realised.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND  
ROADS FROM COUNCILLOR DAVID BARRIE**

**H3     Car Parks**

**Question:**

**Which car parks within the City are currently free of charge?**

**Answer:**

The City Council manages its formal car parks through Highways. Of those formal car parks in the City Centre and in Local Centres the following have no charges:-

Farm Road,	Sparkbrook Ward
Colgreave Avenue,	Hall Green Ward
Hunters Road,	Lozells & East Handsworth

The City Council also owns and maintains a large number of car parking areas linked with housing, parks and public buildings, which serve the facilities associated with them and for which no charge is made.

In many of the above cases, the cost of charging for parking would exceed revenue collected and many have negative effects, for example, on a struggling local centre.

There are also areas of land that are parked on informally, where the land is not held for that purpose.

Other public non-charged car parks are associated with activities that are not council controlled, such as retail outlets, places of worship, hotels and public houses.

In addition, there are a large number of private non-charged car parking spaces that are associated with places of work.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND  
ROADS FROM COUNCILLOR ALEX YIP**

**H4      Costings**

**Question:**

**What is the net cost (enforcement against fines received) for Sutton Coldfield Central Car Parks (Anchorage Road, South Parade, Mill St, Reddicroft, Station Street and Victoria Road) from the hours of 6pm to 7am?**

**Answer:**

The cost of enforcement is held for the area but is not separately held for the car parks as it includes the costs of enforcement for on street parking. The net cost for the named car parks for the stated time period is therefore not available. The PCN income for the period is shown in the tables below.

Period 2015-2016		
Car Park	PC N Issu e bet wee n 6pm & 7am	PCN Income
Anchorage Road	105	£2,457
Mill Street	47	£1,339
Reddicroft Lower	55	£1,710
Reddicroft Upper	226	£6,588
South Parade	95	£2,150
Station Street	237	£5,375
Victoria Road M/S	2	£75
TOTAL	767	£19,694

**City Council – 1 November 2016**

Period 2016 - to date		
Car Park	PC N Issu e bet wee n 6pm & 7am	PCN Income
Anchorage Road	18	£400
Mill Street	8	£225
Reddicroft Lower	19	£375
Reddicroft Upper	118	£2,825
South Parade	55	£1,250
Station Street	165	£3,950
Victoria Road M/S	3	£25
TOTAL	386	£9,050

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND  
ROADS FROM COUNCILLOR KEN WOOD**

**H5      Maintenance Costs**

**Question:**

**What are the maintenance costs for Anchorage Road, South Parade, Mill St, Reddicroft, Station Street and Victoria Road car parks?**

Answer:

Based on 2015/16 financial year:

Anchorage Road	£ 0
South Parade	£ 385
Mill St	£ 0
Reddicroft	£ 0
Station Street	£ 0
Victoria Road	£ 21,064

Based on 2016/17 year to date:

Anchorage Road	£ 0
South Parade	£ 165
Mill St	£ 0
Reddicroft	£ 0
Station Street	£ 0
Victoria Road	£ 5,861

All of these car parks will need repairs and maintenance from time to time, which will then show up in the costs for the relevant year.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VALUE FOR MONEY  
AND EFFICIENCY FROM COUNCILLOR MEIRION JENKINS**

**I1      Procurement**

**Question:**

**For each year between 2012 and 2016, what is the breakdown of the proportion of total procurement spend that has been spent with:**

- Organisations with less than 50 employees**
- Organisations with between 50-250 employees**
- Organisations with over 250 employees?**

**Answer:**

The Council only began to record an organisation's size based on the number of employees in April 2013 and this for new suppliers only and only for those organisations that have volunteered it.

There are over 20,000 suppliers registered with the Council and to retrospectively analyse and validate the information requested is something that we are attempting to do but cannot provide the information within the timescale requested.

However, a recent report entitled "Spend Small" produced by Centre for Entrepreneurs (analysing Local Authority spend from 2011 to 2014) has taken BCC spend information published on the website and using their spend repository has ranked Birmingham in the top 20 of Local Authorities, spending 18% of its total procurement spend with small companies.

The definition of a small company that they used was one that met at least two of the following conditions:

- Annual turnover must not exceed £6.5m
- The balance sheet total must not exceed £3.26m
- The average number of employees must be no more than 50.



**WRITTEN QUESTION TO THE CABINET MEMBER FOR VALUE FOR MONEY  
AND EFFICIENCY FROM COUNCILLOR GARY SAMBROOK**

**I2      Expressions**

**Question:**

**For the last 12 months, what are the details of the number of companies who submitted an expression of interest for a procurement exercise that did not then go on to submit an Invitation to Tender application for that procurement, broken down by:**

- **Organisations with less than 50 employees**
- **Organisations with between 50-250 employees**
- **Organisations with over 250 employees**

**For context please also provide the total number of expressions of interest for each group above.**

**Answer:**

For all procurements above £25,000 the Council is required by EU regulations to use 'In-tend' (a web based portal) as our system for tendering. The Council, in order to promote good practice, has extended this to all procurements above £10,000 to ensure that the procurement is compliant i.e. includes an evaluation criteria and pricing schedule. The system does not however record the size (by number of employees) of an organisation and therefore the information below only shows the number of organisations that expressed an interest (EOI) and the number that failed to submit a tender but not the number of employees within each organisation.

The information below covers all quotes and tenders above and below OJEU and for the period Sept 15 to Oct 16.

- |   |      |
|---|------|
| • Number of EOI                             | 3364 |
| • Number that did not go on to submit a bid | 2783 |

**WRITTEN QUESTION TO THE CHAIR OF PLANNING FROM  
COUNCILLOR JON HUNT**

**J1     Relevant Statutory Consultees**

**Question:**

**The planning application for the Tucker Fasteners Site on the Walsall Road states it has been prepared after discussions with officers at Birmingham City Council and other relevant statutory consultees.**

**Could the Chair of Planning advise whether Ward councillors and the local neighbourhood planning forum (which was constituted in June this year and applied for recognition in July) are “relevant statutory consultees”?**

**Answer:**

I can advise that Ward Councillors and local neighbourhood forums are not statutory consultees.

Statutory consultees are set out in legislation, and include bodies such as Historic England, the Environment Agency, and Transportation authorities, normally when proposed development is above a certain threshold.

I would advise that public participation in Birmingham is undertaken to a level very significantly in excess of the statutory minimum requirements, as is the case in this instance.

**WRITTEN QUESTION TO THE CHAIR OF PLANNING FROM  
COUNCILLOR KAREN TRENCH**

**J2     Tucker Fasteners Site - pre-application discussions**

**Question:**

**What pre-application discussions have officers of the Planning Department held with the applicants whose application for planning permission of the Tucker Fasteners Site, Walsall Road, was publicised on Wednesday, 19th October 2016?**

**Answer:**

I can confirm that officers have been involved in pre-application discussions regarding this site. Details of pre-application enquiries are not publicised as many have a degree of sensitivity and are commercially confidential. Advice will be given on the basis of planning policy and requirements for information. Where planning permission is required, the scheme would still be subject to a full assessment under the application procedure, and pre-application discussions do not guarantee an approval for the developer.



**REPORT OF THE IMPROVEMENT QUARTET: COUNCILLOR JOHN CLANCY, COUNCILLOR  
BRIGID JONES, MARK ROGERS AND PETER HAY**

**CHILDREN'S SOCIAL CARE AND EDUCATION: IMPROVEMENT AND CHALLENGES**

**The motion: The Council welcomes and notes the signs of progress in children's social care and in education, notes that an action plan in response to the September/October Ofsted inspection will be submitted to Cabinet, and notes progress on the voluntary trust arrangement for children's services, as part of the further steps in recovery, with debate and comments at this meeting informing the recommendations to Cabinet in January 2017.**

**1. Introduction**

At the meeting of the Council on 1 December 2015 it was agreed that, in addition to routine performance reports to Cabinet and the work of the scrutiny function, there would be a six-monthly report to Council on progress in children's social care and in education. This is the second of those reports.

**2. Children's Social Care**

- 2.1 The June report to Council set out in detail the long term difficulties and underperformance in Children's Social Care, including the findings of external inspections and reviews and the appointment of Commissioners. The report also described arrangements and action taken since the first Commissioner, Lord Norman Warner, including significant investment in the service, setting up a clear and consistent operational model, the establishment of clear lines of accountability through the "Quartet", reviews of management capacity and capability, establishment of a Multi-agency Safeguarding Hub, a review of recruitment and retention, establishment of a single agency supplier framework agreement, and changes to partnership approaches, particularly through the Strategic Leaders Forum, the establishment of the Birmingham Education Partnership and the Early Help and Safeguarding Partnership.
- 2.2 In December 2015 a new Commissioner, Andrew Christie, was appointed by DfE. Andrew was a member of the Le Grand Review. In his Commissioner role he has observed that he has seen a very different service now in Birmingham to what he saw in early 2014.
- 2.3 Council noted the work that had commenced on a Voluntary Children's Trust model, in the context of developing and sustaining good practice against a backdrop of financial pressures. The exploration has been underpinned by the importance of shaping a large and complex service with a single focus on support and intervention to improve outcomes for Birmingham's most disadvantaged children and families. To achieve this there is a need to be able to attract and retain social workers, offer a competitive salary, ensure good working conditions and above all a feeling of being well managed and supported (options that could perhaps best be secured in the longer term within a Trust structure), alongside intelligent commissioning with a Board focussed upon delivery.

2.4 The early help and children's social care service now has a clear and consistent structure, a stable management group and reduced staff turnover. The service responded well to the recent intensive Ofsted full inspection, without service disruption, and there is growing confidence in and evidence of purposeful direct work with children and families.

2.5 The October 2016 scorecard for children's social care is appended as Appendix A.

### 3. **Ofsted inspection 2016**

3.1 Ofsted conducted a full inspection of Birmingham children's social care in September/ October, with up to 12 inspectors over four weeks. Over 400 cases were looked at and many front-line staff talked with and observed by the inspectors. The inspection focus was very much on practice. The inspection was intense and forensic and provides a good deal of detailed learning to help shape our continuing improvement, but there were no surprises in that our self-assessment before the inspection identified the same key issues.

3.2 The Ofsted inspection has provided very valuable learning to the Council and partners and highlighted matters that still need to be addressed. There is a considerable way to go and a single focus and drive to increase the amount and consistency of high quality practice is needed. The proposed move into a Children's Trust with a single focus on excellent practice with vulnerable children and families will assist here.

3.3 Ofsted judged that the Council remained inadequate overall but with several areas of improvement (see report at Appendix B). Ofsted look back at cases for a year. Their general conclusion was that once cases are allocated and worked with they could see improvement but there was often delay (some historic) in cases getting through the front door (CASS/MASH) and out to the areas in a timely way. The new CASS/ MASH system to address these issues was launched just the week before Ofsted arrived. Another area for concern was the need to improve partnership working across the system with more early help work with families from other agencies and better working with the Police and others in child protection.

### 3.4 **Improvements**

- Three areas have moved out of Inadequate into Requires Improvement. These are: children looked after and achieving permanence, adoption performance, experiences and progress of care leavers. Ofsted noted the contribution the revised Corporate Parenting arrangements had made to these improvements.
- Ofsted ratified that the correct operational model is in place (introduced in February 2016) and that practice is improving (although it is too early to see the impact of the changes and improvements).
- Ofsted shared many positive points including the consistently high morale and energy of all of the staff they met with. They noted that everywhere they went they met positive and motivated staff.
- Social workers know children well and listen to them through direct work; children are seen and listened to.

- Ofsted provided clear messages about the confidence they have in the operating model and the approach in place in Birmingham.
- They were able to say that based on the evidence there is a sound foundation for the improvements made and to come.
- Ofsted say “...strategic leaders have an increasingly effective focus on improvement and have invested in services to support this. This has been helped by stronger and more joined-up leadership at a council-wide level from both political and strategic leaders.”

### 3.5 **Challenges**

- Ofsted found cases of drift and delay and some examples of a lack of management grip on decision-making. This was particularly evident in the front-door, children’s advice and support service CASS/ MASH. Changes had been made to the front-door to deal with the high volumes of incoming work (about 1500 contacts a week) more efficiently, but these changes were put in place only the week before Ofsted arrived. We continue to shape and refine front-door systems and processes and build staff skills. Ofsted’s first monitoring visit in February /March 17 will in all probability focus on this area.
- Ofsted focused heavily on CSE and missing children and the need for further developments of systems and processes with partners to ensure they are effectively meeting young people’s needs. All of the cases seen by Ofsted evidenced current engagement of social workers with children and young people. But Ofsted’s concerns about the lack of join-up at strategic and operational levels are accepted. Work to address this is in hand and is jointly led by the Council and the Police. It will report to the Birmingham Safeguarding Children Board.
- It is recognised that there is still much work to do to achieve consistency in practice and stronger partnership at strategic and operational level, including around early help, to make sure all children get a good service. These issues are being addressed in the Early Help and Safeguarding Partnership and through the Birmingham Safeguarding Children Board and this includes agreement to review and strengthen the partnership threshold model Right Service Right Time. For example, for children with universal plus needs (level 2) there need to be more common assessments of good quality by partners so that they help and support children and families better to resolve their difficulties. Ofsted said too many low level referrals are being made to children’s social care.
- Identification and assessment of privately fostered children needs to be improved. In the summer responsibility for private fostering moved to the Fostering Service to address this, including raising awareness of private fostering across partners and the public and strengthening assessments.
- There is a need to address assessment and review practice in services for children who have a disability. This was raised in the June monitoring visit and considerable work has been undertaken since then to improve systems, processes and practice. Ofsted noted that this had yet to demonstrate positive impacts for children and that there needed to be a greater focus on the quality of reviews for disabled children and young people. The overall plan for this work on assessments and care plans for disabled children and young people is being revised. The

Disabled Children's Social Work Team has been moved into Children's Social Care to give it the right professional leadership.

- Care planning and review/challenge of care plans needs further improvement. Ofsted recognised improvements in care planning for children in need, child protection, children in care and care leavers, but saw too much inconsistency, including in management oversight of care plans, with some staff struggling with the new care plan format. This is an area for continued development across the service to improve the quality of management practice and oversight, including a stronger workforce development offer for social workers and new initiatives to bring high quality graduates into the workforce e.g. Frontline.

3.6 The learning this inspection has provided at a critical point in the improvement work is welcomed. An action plan to address the recommendations of the Ofsted report will now be developed with partners and there will be quarterly two-day monitoring visits from Ofsted starting in Feb/March 2017.

#### 4. **Children's Trust**

##### 4.1 **Update:**

- In July 2016 the Council's Cabinet formally agreed the case for change.
- At its meeting of 20 September Cabinet agreed two alternative delivery models (wholly owned company and employee owned mutual) for further development. The Cabinet also agreed the next steps in recruitment and programme management.
- The Council is now scoping that programme and its shape. A funding package for set-up costs is being negotiated with the DfE and Ministerial agreement to a package is expected in December.
- A large party from the Council visited Doncaster where key learning was the importance of early appointments, maximising the flexibility of the Trust and the focus that Doncaster have maintained on having children to the fore as a shaped purpose.
- The Council is clear about the critical importance of the relationship between the Council and the Trust. A proposal to develop support across this key issue is part of the funding package.
- The Council expects to see all current social care services within the Trust as a minimum. There is a strong view that the Trust should have complete control of HR, finance, IT and legal services.

##### 4.2 Next steps will include:

- recommendations to Cabinet in January 2017 on the selection, design and build of a preferred option.
- further engagement of staff, TUs and partners.
- greater clarity about Trust scope and funding requirements.
- the development of an outcomes-based contract that sets out what the Council is commissioning and the performance/ reporting/ financial and other arrangements.
- request of partners for first phase consultation with a Board level response from each partner and consideration by the LSCB (all partners have received letters outlining this request).
- continued development and shadow appointments to the Trust side.
- an emerging "relationship management" approach that the Chief Executive will head.

4.3 Throughout this process it is recognised that staff and managers delivering the service will not be destabilised or distracted, but will be informed and have opportunities for engagement.

4.4 As part of the DfE resources package a Programme Director is in place and the Children's Commissioner, Andrew Christie, has been appointed as Chair designate of the Trust. This is a joint appointment with DfE.



## 5. **Workforce**

- 5.1 The early help and children's social care service has remained calm and stable during early Children's Trust discussions and it responded well to the Ofsted Inspection. Staff remained enthusiastic and committed.
- 5.2 However, recruitment and retention remains a key issue including improving the quality and capacity of the workforce. Agency staff numbers are at 23%, a reduction from just under a third less than 2 years ago. It is intended that the emerging Trust arrangements will enable greater focus and flexibility in workforce matters.
- 5.3 Workforce development is equally important. There is a good learning programme for newly qualified staff and the second cohort of team managers is completing the systemic supervision course. But a more co-ordinated and consistent learning approach for experienced social workers and for heads of service needs to be developed.
- 5.4 It has been announced that nine West Midlands councils and University of Birmingham are one of nine new Teaching Partnerships, funded by DfE, established for the next two years, with a focus on improving social work training and practice. Birmingham City Council is leading this consortium
- 5.5 In addition the Council has agreed to six Frontline student units being established in 2017 (24 students) and that all social workers and managers will go through the accreditation programme in the first phase. Both of these measures are intended to drive up the quality of practice.

## 6. **Education**

- 6.1 The 12 July report to Council described the work of the Education and Schools Strategy and Improvement Plan (agreed in December 2014 by the Quartet and the Education Commissioner Sir Mike Tomlinson).

### 6.2 **School Improvement**

A key action of the plan was to strengthen the Council's duties to vulnerable schools as set out in the statutory Schools Causing Concern Guidance document. The Education Commissioner supported the proposal that the delivery of these duties should be commissioned from the Birmingham Education Partnership (BEP). Twenty years of international evidence supports the view that the best, most sustainable form of school improvement is where strong schools support weaker schools. A contract has been in place since 1 September 2015 and the signs are that BEP has started its work strongly.

The School Improvement contract with BEP was monitored and evaluated via specialist education advisers at the end of school year. Impact is beginning to show and the BEP operation is stronger and more secure for 2016/17.

The White Paper Educational Excellence Everywhere, published in March 2016, outlined a 5 year plan for all schools to become academies and described how local authorities would cease to hold the duty to deliver school improvement. Following Justine Greening's announcement on 27 October 2016,

these changes will not be implemented. Pending more detail on future education policy it is clear that the Council's role in school improvement will be retained but without the funding previously received through education grants.

BEP is currently the externally commissioned school improvement partner, with a contract valued at £1.8m per annum. With the reduction in both DSG and ESG funding there will be a need to review the value of the school improvement funding attached to the contract.

### **6.3 BEP's engagement with schools - September 2015 to August 2016**

The Council contracts BEP to deliver improvement for all Birmingham pupils and across all Birmingham's schools; brokering the delivery of improvement activity for maintained schools and taking a lead role in the co-ordination of a system-led improvement. A set of key performance measures are included in the contract.

The contract is closely monitored by the Contract Management Group, whose aim is to optimise the impact, efficiency and effectiveness of the contract. This group meets 6 times per year and reviews management information, performance against KPIs, results, satisfaction surveys and annual service plan.

During the academic year 2015/16 the Council commissioned an external quality assurance review of the implementation of the contract.

The school improvement aspect of the contract requires BEP to visit schools to assess their requirements for assistance, ensure that no school becomes isolated and to develop links to school to school support, plus other services and events. 92% of schools were visited between September 2015 and July 2016.

A range of other engagement activities have also taken place during the 2015/16 academic year, including District Strategy Group meetings, Ofsted training events, Maths Twilight sessions and Peer to Peer review training.

### **6.4 Quality of school provision**

A key element of the BEP contract is to support schools in raising standards and securing positive judgements following an inspection. The following quote is one of many that can be found in recent OFSTED reports of Birmingham schools:

*"The local authority has commissioned Birmingham Education Partnership to provide support. This has been very valuable and utilised to good effect by the school. Advisers have helped improve early years, supported the creation of an assessment system without levels and focused on improving writing in Key Stage 1."* Primary School report – February 2016

## 6.5 Current OfSTED position

Phase	Total Schools	Good/Outstanding		Requires Improvement /Inadequate		Special Measures	
		Count	%	Count	%	Count	%
Nursery	27	27	100%	0	0%	0	0%
Primary	298	240	81%	58	19%	14	5%
Secondary	82	58	71%	24	29%	11	13%
Special	27	22	81%	5	19%	3	11%
PRU	5	3	60%	2	40%	1	20%
<b>Total</b>	<b>439</b>	<b>350</b>	<b>80%</b>	<b>89</b>	<b>20%</b>	<b>29</b>	<b>7%</b>

The above includes all open schools within Birmingham which have had an Ofsted inspection. Where an establishment has not been inspected since becoming an academy, the inspection of the previous establishment is used. Free schools without an inspection are not included as there is no previous establishment to match to. New free schools without an inspection are not included.

## 6.6 Academic Performance 2015/16

The Key Performance Indicators (KPIs) contained within the contract need to be revised in light of the changes in assessment and school performance measures. Because of these changes, figures for 2016 are not comparable to previous years.

BEP's Academic Performance Report comments on the first release of unvalidated data for primary and secondary schools. The validated data will be released at the end of 2016 and beginning of 2017.

In summary, the primary results are as a whole disappointing and are likely to place increasing pressure on schools. However, the systems developed by BEP over the last year should enable individual schools to receive necessary support more quickly during the 2016/17 academic year in the areas they need it most.

The provisional secondary results are positive in relation to national data with Progress 8 performance in line with average. The figures also illustrate the improvements being made toward all Birmingham performance measures being in line with national. Schools which have received BEP intensive support have made significant improvements.

BEP has produced an action plan to ensure rapid response to KS1 and 2 results.

## 6.7 Safeguarding in Schools

Ofsted completed a monitoring visit of Birmingham children's services on 1 and 2 June 2016 under section 136 of the Education and inspections Act 2006. The visit included a focus on safeguarding arrangements in education, the Council's response to children missing education and those who are electively home educated, as well as the Council's response to Prevent in schools.

In response to Ofsted's concerns about strategic leadership of safeguarding children in schools the gap at operational level has been addressed, with a new Head of Service post for alternative provision/children missing education and independent schools. There has also been swift action taken to remedy the strategic leadership of the SEND agenda, with responsibility transferred immediately to an experienced senior officer.

In addition, to address a gap around the strategic leadership of safeguarding within education services, a fourth Assistant Director post was established, taking responsibility for safeguarding within education. This newly created post is ensuring stronger join up with partner agencies, particularly children's social care, as many of the children at the heart of these policies are shared between education and children's social care. Currently, there is an interim person leading this work, prior to a permanent appointment.

HMI highlighted that too many children with a statement of education need or EHCP were not receiving appropriate education which met their needs and that vulnerable children who were excluded from education did not have their needs catered for well enough, including checks to ensure the child is safe.

Immediate actions ensured that data was robust, home visits were secured for those that had not been seen for some time, and school placements were secured through directing schools to take children and being firmer with parents, following up with non-attendance procedures if necessary.

For those pupils who have been excluded and who are not able to be placed immediately back into education, the Exclusion Team have introduced a pupil tuition programme. This programme is being delivered in educational settings close to each pupil's home. These arrangements will remain in place until an educational placement is identified.

In the primary phase sharing panels are being established within five consortiums to manage exclusions.

The process for supporting looked after children with no school place has been enhanced by the introduction of a weekly meeting between senior managers from the Virtual School and SENAR.

To ensure that the individual teams holding responsibility for safeguarding children in schools are working together effectively, three new policies (Elective Home Education, Alternative Provision and Children Missing Education), have been implemented by schools, including academies and free schools, since September 2016. These policies provide greater clarity and establish a new set of procedures, minimum standards and timeframes for the delivery of quality service. They have been supported by a training plan to ensure that staff implementing the new policies are highly skilled and understand their role in delivering a good service.

Finally, a single database has been developed, which will provide an accurate overview of the numbers of children being educated out of school or missing education.

As a result of the above there have been immediate reductions in children not in school (either with EHCPs or following permanent exclusions).

Ofsted's full inspection in September/ October confirmed significant progress in addressing these weaknesses and reducing the numbers of children missing education. Ofsted also acknowledged the quality of personal education plans for children looked after and increases in the number of children in care who attend good or better schools.

## 7. **Community Cohesion**

- 7.1 A cross-party community cohesion statement for the city was agreed in early September. This has been supported by the office of the Chair of the Birmingham Community Safety Partnership (BCSP), Chief Superintendent Chris Johnson.
- 7.2 The existing Birmingham Curriculum Statement has been revised to reflect the above. An Equality and Cohesion Toolkit was launched at the Birmingham Education Partnership (BEP) Conference on 29 September 2016 and an operational plan for schools is now in place, alongside a wide range of resources available on the BEP Hub to enable schools to challenge inequality and deliver on the cohesion agenda.
- 7.3 A new Birmingham Community Cohesion Strategy is being developed in collaboration with the Birmingham Community Safety Partnership and a wider range of national and local partners, including Birmingham Race Action Partnership, West Midlands Police, Birmingham Education Partnership, Citizens UK, the Muslim Women's Network and the NHS. The strategy is intended to sit under the city vision, on which work was also initiated at a symposium bringing together the leaders of the key anchor institutions in the city on 13 October. As it has been agreed that both the city vision and cohesion strategies need to engage as wide a range of communities and citizens as possible, it is expected that this work will be ongoing for the next 6 months.

## 8. **Inclusion Commission**

- 8.1 An Inclusion Commission, chaired by Professor Geoff Lindsay, is now underway to ensure clear pathways to sustainable inclusion are established. It has wide representation from across the city and is working closely with DfE Advisers. Current performance level: 100% of EHCPs have been delivered within the 20 week limit for the last four months.
- 8.2 The Commission, which will provide strategic direction for the SEND agenda, held its first meeting on 6 October. Its workstreams cover:
- Social Emotional and Mental Health
  - SEN Assessment
  - High Needs Funding
  - Specialist Provision
  - SEN Support
  - Preparation for Adulthood
- 8.3 There will also be a SENAR ICT Project, which will focus on improved data intelligence to inform service delivery.

## 9. **Other education/ schools activity**

- 9.1 The Council is developing a stronger **partnership approach** with BEP and Services for Education, both education charities established in the city, aiming at further developing the school-led system with the Council providing fewer services directly. The Council is strongly supporting collaboration between schools and to that end *Changing Times* ([https://www.birmingham.gov.uk/downloads/download/925/changing\\_times\\_report](https://www.birmingham.gov.uk/downloads/download/925/changing_times_report)), strongly driven by contributions from MATs, dioceses and co-operatives in the city, was launched at the BEP Conference in September. Future partnership arrangements for the delivery of education services will include less direct delivery from the Council and more co-design and co-delivery with relevant partners and services across the city.

- 9.2 **Travel Assist:** Following a summer focused on solving a number of issues, a review and redesign of the service to create positive independence is underway. A new Head of Service has been appointed and will lead the redesign.
- 9.3 **Fair Access and In-Year Admissions:** A new co-construction approach, with head teachers, in the delivery to fair access and in-year admissions is being developed. This will ensure all children's needs are being addressed. The short term issues of schools being reluctant to admit in-year and increased demand are leading to children being out of school for longer than we would like and significant resource pressures. It will be a challenge to secure full buy-in from all schools to a new approach.
- 9.4 Education are now fully involved in the new **Children's front door** CASS (Children's Advice and Support Service) and the Multi-Agency Safeguarding Hub (MASH). This is improving partner referrals (education being the biggest referrer into the MASH). A permanent education officer is currently being appointed to replace the current interim arrangements.
- 9.5 The internal **NEET** Action Group is being expanded to include colleagues from Children's Social Care, including Corporate Parenting, Looked After Children and Children Leaving Care.
- 9.6 Procurement of a lead organisation to deliver the **Early Years health and wellbeing offer** will extend and embed partnerships between education, health, social care and the third sector. The procurement process has led to two potential lead organisations currently developing their bids and evaluations of the bids will be completed in January 2017 with a target date for contract start in September 2017.
- 9.7 The Education Improvement and Service Plan outlines the key priorities and performance indicators for 2016/17. A **performance-led approach** to drive improvements and monitor progress has been established, with each service completing a performance dashboard and scorecards against their key indicators. These tools are being used to visualise progress against service and improvement plans, alongside articulating key risks and issues to monitor and manage.
- 9.8 **School places:** 27 classes across primary, the new Starbank all through school and the relocated Pines school all opened at the start of September as a result of the incredibly successful delivery of the schools capital programme. Closer working with the Regional Schools Commissioner is underway to plan for additional secondary places, aligning expansion of local schools and the new Free Schools programme to meet Basic Need without creating oversupply.
- 9.9 **Independent schools**

The first forum for Independent Schools and Alternative Providers was held at Birmingham City Football Ground on 3 November. Senior officers from the Council briefed fifty delegates comprised of Headteachers and Designated Safeguarding Leads. The briefings covered statutory requirements for keeping children safe in education, new guidance on children missing education, the 2016/17 Section 175 self-assessment, alternative provision and quality assurance, Designated Safeguarding Lead training, Rights Respecting Schools and school admission procedures. Delegates welcomed the question and answer sessions which enabled officers to clarify questions on Children Missing Education and School Admissions. The briefing finished with delegates being nominated to be safeguarding representatives for the Safeguarding Education Sub-Group of the Birmingham Safeguarding Children Board. There was

excellent feedback on the briefing. The independent forum will complement the well-established and valued Primary and Secondary forums.

#### 10 **Summary statement**

Although there are still significant challenges ahead, it is pleasing to note many of the improvements cited in the Ofsted inspection report. It is particularly pleasing to note we have moved up a notch in three out of five Ofsted areas of judgement. This demonstrates that the Council is well on track to moving out of inadequate and that over the last two years solid foundations have been secured and improvements are being realised. This administration is not complacent and it is recognised that improvement like this takes time and tenacity. The proposed voluntary Children's Trust arrangements, with Andrew Christie as the Chair, provide confidence in this improvement continuing. Our focus in coming months will be on ensuring that excellent practices that are being embedded and the improvements made are further developed and consolidated.



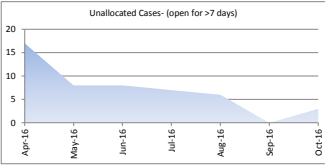


PERFORMANCE SCORECARD - October 2016

1.) Number of unallocated cases (open >7 days)

	Prev. 6 months average	Oct-16	EAST	NWC	SOUTH	DCSC	Other Citywide Teams
Unallocated (open >7 days)	7	3	0	3	0	0	0
Total number of open cases	6,913	7,572	1,762	1,977	2,038	591	1,204
% of unallocated cases	0.1%	0.0%	0.0%	0.2%	0.0%	0.0%	0.0%
Target	20						
Performance rating							
Trend							

This indicator is of open cases post MASH where there is no allocated social worker 7 or more days after referral. A report is sent to the heads of service each week, so the cases are ever changing.

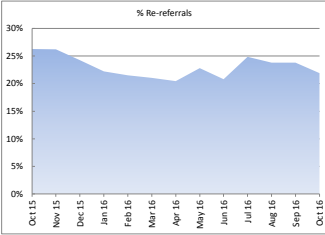


2.) % Re-referrals (Monthly)

	Prev. 6 months cumulative	Oct-16
No. re-referrals	1,890	339
Total Referrals	8,275	1,547
Re-referrals %	23%	22%
Target	25%	
Performance rating		
Trend		

National average

24%



Our referral rate is stable. We have moved into a new front-door model and we will monitor the impact on contacts, referrals and re-referrals carefully, building on the Ofsted learning.

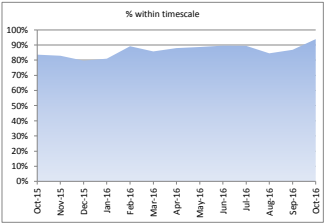
3.) Family assessments completed in timescale (45 working days incl. S47)

	Prev. 6 months average	Oct-16	EAST	NWC	SOUTH	DCSC	Other Citywide Teams
No. inside	1,101	1,224	395	470	326	8	25
No. outside	154	80	20	24	21	4	11
Total	1,255	1,304	415	494	347	12	36
% Inside	88%	94%	95%	95%	94%	67%	69%
Target	82%						
Performance rating							
Trend							

National Average

82%

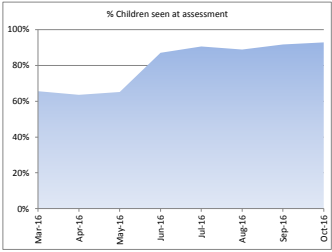
The timeliness of assessments is important to prevent drift and we are doing well in relation to 45 days. We want to see more assessments completed within 20 days in ASTI and a greater focus on short-term interventions. It is the disability and Citywide teams where there are delays in completing referrals. The disability teams have improved. Ofsted highlighted delays especially between MASH and ASTI.



4.) % Children seen at Assessment (S17 and S47)

	Prev. 6 months average	Oct-16
Assessments completed	1,195	1,258
Children seen	976	1,168
% Seen at Assessment	82%	93%
Target	68%	
Performance rating		
Trend		

Children seen is a good proxy measure for quality of assessment. Recent staff guidance and changes to CareFirst have led to improved performance here.



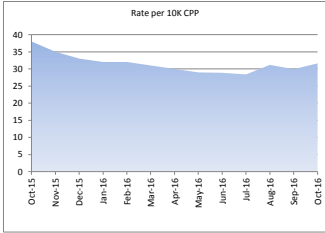
5.) Number of children with a Child Protection Plan - Snapshot as of month end

	Mar-16	Oct-16	EAST	NWC	SOUTH	DCSC	Other Citywide Teams
No of CPP	851	866	252	240	362	11	1
Rate per 10K	31	32	25	23	55	-	-

National average per 10K

43

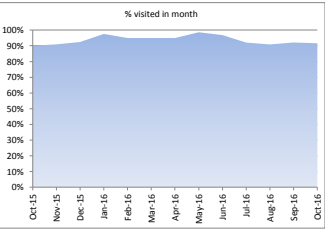
Our rate per 10,000 of children who are the subject of a child protection plan decreased last year since we refined our more child focused strengths based approach to case conferences. This puts parents and children at the centre. In the last 6 months CP figures have stabilised at around 850. ICPC timeliness is improving and we have developed smarter and more purposeful CP plans.



6.) % of child protection visits in the month

At least one visit in a month	Prev. 6 months average	Oct-16
Number of CPP visited	700	712
Number of CPP to be visited	742	777
% visited in month	94%	92%
Target	95%	
Performance rating		
Trend		

The standard is to see all children who are the subject of a child protection plan at least twice a month as this is a core social work activity. Visiting children on CP plans has increased significantly over last year.

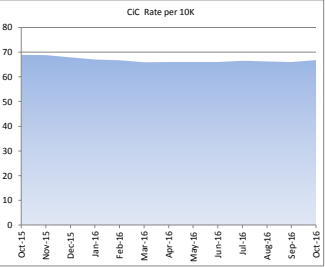


7.) Number of Children in Care - Snapshot as of month end

	Mar-16	Oct-16	EAST	NWC	SOUTH	DCSC	Other Citywide Teams
Total CiC	1,807	1,831	537	520	574	84	116
Rate per 10K	66	67	52	49	87	-	-
Target - March 17	1,750						

National average per 10K	60
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The number of children and young people in care gradually reduced as intended in our improvement plan. There are now 106 unaccompanied asylum seeking children in care with more expected through dispersal programme. Leaving UASC aside we have under the target of 1750 children in care.

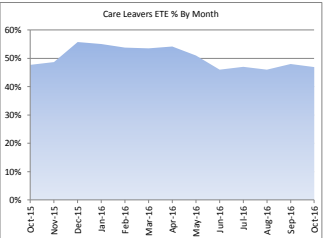


8.) % of Care Leavers in Employment, Education or Training (ETE)

	Prev. 6 months average	Oct-16
ETE %	49%	47%
Target	55%	
Performance rating		
Trend		

National average	45%
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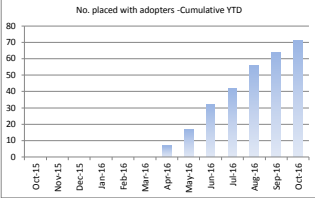
This indicator is looking at the employment/education position of care-leavers at 19, 20, and 21. We are not performing well on this indicator. Core Assets have one the contract towork with care leavers to help them into apprenticeships and other work opportunities, through Youth Employment Initiative. On a positive note, we are supporting over 100 care leavers at University.



9.) Number of children and young people placed with adopters - Cumulative

	15-16	Oct-16	EAST	NWC	SOUTH	DCSC	Other Citywide Teams
Placed for adoption	140	71	24	23	24	0	0
Target	125	73					
Performance rating							
Trend							

In 2015/16 a record 140 children were placed with adopters. Our care proceedings are reducing slightly and we have revoked some long-standing placement orders, therefore we have set a lower target for placing children with adopters this year. We aim to place about 10 or 11 children each month.

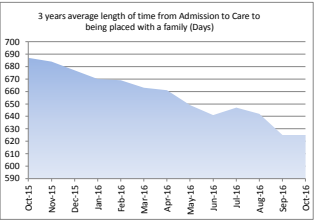


10.) 3 years average length of time from Admission to Care to being placed with a family (Days)

	Prev. 6 months average	Oct-16
Average no. of days taken	644	625
Target	590	
Performance rating		
Trend		

National average

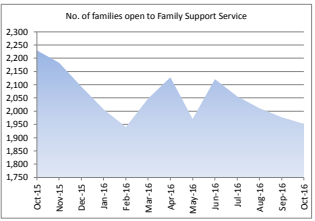
593



This national indicator looks back over three years and is therefore difficult to improve quickly. Also if we successfully place an older child who has been waiting a long time, it pushes our average up. The number of days from entry to care to adoptive placement is reducing significantly as can be seen from graph.

11.) No. of families open to Family Support Service

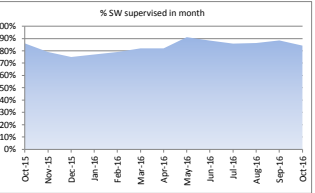
	Prev. 6 months average	Oct-16
No. of families		1,952



This figure is number of families worked with, reflecting how the Troubled Families (TF) programme counts, rather than number of children which would be around the 5000 mark. Family Support is a substantial and important part of our targeted early help and social care for families in need and we have a clear step up/ step down process. Family Support teams have moved to a common staffing model across the City, focusing on Troubled Families criteria and needs at level 3 of Right Service Right Time. There are also 3 commissioned TF programmes.

12.) % of social workers who have had supervision (in month)

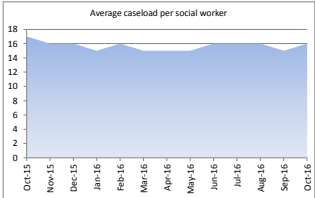
	Prev. 6 months average	Oct-16	EAST	NWC	SOUTH	DCSC	Other Citywide Teams
Supervisions	438	443	94	166	144	24	15
Total Staff	504	526	152	180	151	25	18
% supervised	87%	84%	62%	92%	95%	96%	83%
Target	83%						
Performance rating							
Trend							



Within a good service, we would expect to see all social work staff supervised at least 10 times per year. This would yield a percentage of 83% per month. Performance has improved in last month to above target. This data is collected by PSS staff in local offices on spreadsheets. We are investigating lower figure for East this month.

13.) Average caseload of qualified social workers

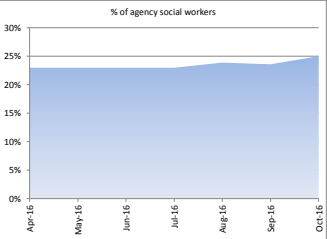
	Oct-16	EAST	NWC	SOUTH	DCSC
Assessment Teams	17	18	18	15	-
Safeguarding Teams	17	14	16	19	-
Children in Care Teams	13	12	12	15	-
Average Caseload - City	16	15	15	17	17
Target	16				
Performance rating					
Trend					



Average caseloads have been at around 16 for some time. These figures show the greatest pressure is in Safeguarding teams, however the ASTI team on duty each week will have high caseload. There are a number of newly qualified staff on protected caseloads, so the average for more experienced staff is higher. We are now exploring disability team caseloads.

14.) % of agency social workers (including team managers)

	Prev. 6 months average	Oct-16
% agency staff		25%
Target in March 17	15%	
Performance rating		
Trend		



Overall, in all established posts that require a social work qualification, we have nearly 25% agency social workers. Some 95 new posts (mainly social work qualified) have been established in the last 15 months. Our target to reduce agency staff to 15% by March 2017 may not be achievable. In particular we want to reduce the agency staff in MASH, UASC, NRPF teams and agency team managers. We need a renewed different focus on recruitment and we are concerned how changes to SW terms and conditions next April will impact on these figures.

Population 0 to 17	
EAST	102,711
NWC	105,477
SOUTH	65,947



# Birmingham

## Re-inspection of services for children in need of help and protection, children looked after and care leavers

Inspection dates: 12 September 2016 to 6 October 2016

Report published: 25 November 2016

<b>Children's services in Birmingham are inadequate</b>		
<b>1. Children who need help and protection</b>		Inadequate
<b>2. Children looked after and achieving permanence</b>		Requires improvement
	2.1 Adoption performance	Requires improvement
	2.2 Experiences and progress of care leavers	Requires improvement
<b>3. Leadership, management and governance</b>		Inadequate

## Executive summary

This re-inspection has identified that serious and widespread failings in some services to help and protect children have not yet been tackled effectively. Children are not always kept safe and not enough is being done to protect them from harm.

Senior leaders and politicians have worked hard, invested considerable resources and reconfigured services to ensure that there is a strengthened focus on improvement, and this inspection has found some significant improvements in a range of services as a result. However, key areas of service provision are continuing to fail children and families, and where progress is being made further work is required to ensure that services are of good quality.

Children and families do not receive the help they need at an early enough stage. In addition, the understanding and operational support from partner agencies is poor. This results in inappropriate referrals being made to children's statutory services. The multi-agency safeguarding hub (MASH) does not identify and reduce risks to children effectively at the point of contact and referral. Inspectors had to refer back to the authority too many cases where risk had not been identified properly or acted upon.

Partnership working with other services is not well embedded, with, for example, too many instances where police do not attend strategy meetings or provide early enough information. A lack of effective multi-agency working at both operational and strategic levels is hampering the pace and extent of progress.

Children who have disabilities, and who are in need of help and protection, are not seen regularly enough by their social workers and many wait too long to have their needs reviewed. The authority does not do enough to identify those children who may be privately fostered, and for those who are identified, do not discharge their statutory responsibilities of assessment and overview effectively.

Arrangements to identify, manage and intervene where children and young people are at risk of child sexual exploitation are not consistently effective. Arrangements to link risk with children who go missing from home or care are underdeveloped, and work to reduce risk is not informed by sufficient analysis of intelligence and performance information.

Many child protection plans are not reducing risk in a timely way, with ineffective multi-agency core groups and a lack of challenge by child protection chairs to ensure that good outcomes are achieved as quickly as possible for children.

Significant progress has been made in addressing serious weaknesses in identifying and reducing the numbers of children missing education. For those children looked after, personal education plans are now often of good quality and increasing numbers of children in care attend good or better schools.

Services for children looked after have improved, and they benefit from seeing their social worker more regularly as a result of a more stable workforce. There is an

increasing and improved focus on ensuring that, where necessary, children live with a permanent alternative family as soon as possible. Adoption is considered for children who cannot return home, and they live with their new families more quickly than at the time of the last inspection. Many young people who live in permanent fostering arrangements have secure and settled placements with foster carers who receive good support from the local authority. For a minority of young people, however, it has taken too long to find a stable placement and these young people have had too many moves.

The local authority has taken robust action to ensure, following a recent child death, that the circumstances of children subject to a special guardianship order (SGO) have been reviewed to ensure their welfare. Current assessments to place young people under SGOs with carers are now of satisfactory quality.

Care planning does not always ensure that all of a child's needs are carefully considered, and there is, in some cases, ineffective challenge by independent reviewing officers of progress between reviews to ensure that plans do not drift.

Too many care leavers are not in education, employment or training, and this situation has not improved since the last inspection. The local authority has not prioritised these young people or supported them effectively to secure apprenticeships and job opportunities within the council. Care leavers benefit from good relationships with personal assistants and are well prepared and guided in preparation for independence.

The corporate parenting board now has a clear focus on issues for young people and is beginning to have an impact on improving services. The Children in Care Council is established and is listened to by the council, but more work is required to ensure that it is representative of all children in care in Birmingham.

Performance management and quality assurance systems are not closely enough aligned, and there is insufficient emphasis on the quality and impact of practice.

The council has been successful in establishing a sufficient and relatively stable workforce, including a reduction in the overall use of agency staff. Where use of agency staff remains high, as in the MASH, issues of poorer quality and inconsistent standards of practice remain.

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## The local authority

### Information about this local authority area<sup>1</sup>

#### Previous Ofsted inspections

- The local authority operates five homes. Two homes were judged to be good and three were judged to require improvement in their most recent Ofsted inspections.
- The previous inspection of the local authority's safeguarding arrangements was in March 2014. The local authority was judged to be inadequate.
- The previous inspection of the local authority's services for children looked after was in March 2014. The local authority was judged to be inadequate.

#### Local leadership

- The director of children's services (DCS) has been in post since July 2013.
- The director is also responsible for adult social care, education, public health and housing strategy.
- The chair of the Local Safeguarding Children Board (LSCB) has been in post since April 2016. The previous chair of the LSCB took up the post in October 2011 and left the post in March 2016.

#### Children living in this area

- Approximately 283,900 children and young people under the age of 18 years live in Birmingham. This is 25.5% of the total population in the area (1).
- Approximately 37.1% of the local authority's children are living in poverty after housing costs – according to figures published by the End Child Poverty Coalition in October 2014.
- The proportion of children entitled to free school meals:
  - in primary schools is 28.0% (the national average (2016) is 15.2%)
  - in secondary schools is 27.4% (the national average (2016) is 14.1%).
- Children and young people from minority ethnic groups account for 60.6% of all children living in the area, compared to 25.5% in the country as a whole (2).
- The proportion of children and young people with English as an additional language:
  - in primary schools is 43.0% (the national average (2016) is 20.1%)

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<sup>1</sup> The local authority was given the opportunity to review this section of the report and has updated it with local unvalidated data where this was possible.

- in secondary schools is 40.1% (the national average (2016) is 15.7%).
- Birmingham is a highly diverse city. This has a positive impact on the city, but also raises significant challenges for cohesion: 22.2% (238,300) of Birmingham residents were born outside the UK. Of these, 74,900 arrived when they were aged 0 to 15 years and 103,682 arrived in the UK between 2001 and 2011 (3). Between 2015 and 2016, Birmingham had been projected to see an increase in population of 0.9% to 1,223,000, of which 285,500 will be aged under 18 (4).

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(1) ONS 2015 mid-year population estimate

(2) ONS annual population survey January to December 2014

(3) Census 2011

(4) ONS 2014 subnational population projections

### **Child protection in this area**

- At 31 August 2016, 7,155 children had been identified through assessment as being formally in need of a specialist children's service. This is a decrease from 9,676 at 31 March 2015.
- At 31 August 2016, 854 children and young people were the subject of a child protection plan. This is a decrease from 1,028 at 31 March 2015.
- At 31 August 2016, 17 children lived in a privately arranged fostering placement. This is a reduction from 33 at 31 March 2015.
- Since the last inspection, 17 serious incident notifications have been submitted to Ofsted and eight serious case reviews have been completed or are ongoing, and there were six learning lessons reviews at the time of the inspection.

### **Children looked after in this area**

- At 31 August 2016, 1,816 children were being looked after by the local authority (a rate of 64 per 10,000 children). This is similar to 1,815 (64 per 10,000 children) at March 2015. Of this number:
  - 752 (41%) live outside the local authority area
  - 177 live in residential children's homes, of whom 45% live out of the authority area



- three live in residential special schools<sup>[1]</sup>, of whom 100% live out of the authority area
  - 1,206 live with foster families, of whom 39% live out of the authority area
  - 91 live with parents, of whom 12% live out of the authority area
  - 92 children are unaccompanied, asylum-seeking children.
- In the last 12 months:
    - there have been 153 adoptions
    - 15 children became subject of special guardianship orders
    - 899 children ceased to be looked after, of whom 8% subsequently returned to be looked after
    - 18 children and young people ceased to be looked after and moved on to independent living.

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<sup>[1]</sup> These are residential special schools that look after children for 295 days or less per year.

## Recommendations

1. Strengthen the management oversight, systems and processes in the MASH to ensure appropriate application of the thresholds, effective decision-making and a consistent response.
2. Ensure that local authority staff and partners, through the Local Safeguarding Children Board, understand the early help offer and are able to undertake assessments of need and offer appropriate interventions at an early enough stage to prevent escalation to statutory intervention.
3. Ensure that quality assurance and performance management processes are better used to improve weak performance, and that they and strategic improvement planning have a much stronger emphasis on impact.
4. Reduce the backlog of unassessed domestic abuse notifications and strengthen systems to ensure that children are not left in unassessed situations.
5. Ensure that key partner agencies contribute fully to child protection strategy meetings.
6. Address poor assessment and review practice in the service for children who have a disability to ensure that all children are helped and supported.
7. Improve the quality and timeliness of services to children and young people who are at risk of child sexual exploitation or who go missing. Ensure that these two service areas are aligned and that service development is informed by available intelligence and performance information.
8. Improve the quality and timeliness of core group meetings to support families in engaging with the child protection process and to ensure that progress is made.
9. Ensure that practice for children who are subject to private fostering arrangements meets statutory requirements and that all staff and partners know how to recognise a private fostering arrangement.
10. Ensure that when children have a plan to return home risks are fully considered and that the right support arrangements are in place.
11. Ensure that all children benefit from good quality care plans, including plans for permanence, and that these are actioned and reviewed effectively to prevent drift and delay for children.
12. Improve matching processes and management oversight to keep placement breakdown, particularly multiple placement breakdown, to a minimum for children.

13. Work closely with partner agencies to improve joint working at both operational and strategic levels, including in relation to female genital mutilation.
14. Ensure that issues around identity, cultural and racial needs are explored more fully in order to support effective matching during prospective adopters' assessment and by the panel.
15. Reduce the number of care leavers aged 19 to 21 not in education, employment or training.
16. Strengthen the opportunities open to care leavers through the council's own services to ensure that they receive appropriate consideration to enable them to achieve better outcomes.
17. Strengthen assessments and plans to ensure that they fully reflect and respond to all children's and young people's diverse needs.

## Summary for children and young people

- Ofsted inspected Birmingham city council children's services two years ago and found that not all children were protected and they did not get the help they needed soon enough. At this inspection, inspectors found that some improvements have been made but many things have not improved quickly enough.
- The council and its partners, such as the police and schools, need to improve how quickly they talk to each other about children and their families. It is important that they work better together, to ensure that families are not left waiting to get the help they need.
- Until quite recently, some children have had too many changes in social worker. The council is now trying to make sure that staff do not move around as often and have smaller numbers of cases so that they have more time with children and young people.
- The council is working hard to make sure that plans to protect children set out who needs to do what and by when, but they are not always getting this right.
- Inspectors found that services for children who have disabilities could be better at making sure that those young people and their families are getting the right help.
- The council has improved its services for children looked after and now most children live in safe and secure foster homes. At times, the council is not always finding the best places for children to live quickly enough, and this means some young people have to move too many times before the best place is found.
- Social workers regularly visit children looked after by Birmingham, but don't always make sure that they write down what young people say to them. When children do not see their families, they need to be able to talk to someone who is not their social worker (such as an independent visitor) and who can then speak on their behalf.
- Children do not always attend meetings to help decide what should happen in their lives. Independent reviewing officers should help them to talk about this, but they do not always talk to young people before these important meetings.
- The council has made some improvements to make sure that children are adopted quickly if they need a new permanent family. They still need to work to make sure that young people understand why they have come into care and what has happened to them since.
- Young people leaving care are well supported by the staff who work with them. However, too many young people who leave care are not in any sort of education or do not have a job. Better work needs to be done to make sure that plans for their future help them to get jobs or a better education.

<b>The experiences and progress of children who need help and protection</b>	<b>Inadequate</b>
<p><b>Summary</b></p> <p>The local authority is failing to ensure that all children are kept safe and protected. Too many children have remained as children in need when they would have benefited from the support of a child protection plan sooner.</p> <p>The quality of practice and services for children are not of a good enough standard. Thresholds between early help provision and statutory intervention remain unclear and are inconsistently applied at all levels across the partnership. Early help services are not supporting children sufficiently, and this results in too many children's cases being referred to statutory services when this is not necessary.</p> <p>Practice in the MASH is weak and too many decisions are being made by non-qualified staff. Management oversight is not of a consistently good enough standard and the quality of information shared by partner agencies needs to improve to inform planning and decision-making effectively.</p> <p>The team working with children who have disabilities does not identify or manage risks effectively in all cases, and children are not seen by social workers sufficiently regularly.</p> <p>Arrangements to identify, manage and intervene when children and young people are at risk of child sexual exploitation are not consistently effective.</p> <p>The recent establishment of assessment and short-term intervention teams and safeguarding teams is positive. Practice in these teams is of better quality, although improvements are not sufficiently widespread, robust or embedded.</p> <p>Recent investment by leaders in more effective supervision is starting to make a positive difference to the quality of social work supervision and case direction provided by managers. Caseloads are manageable, and social workers are spending more time with children. An increased use of direct work by social workers with some children is starting to improve their outcomes.</p> <p>Recent improvements are evident in the child protection case conference process with the adoption of a well-regarded practice model, which is helping families understand what they need to do to change.</p> <p>Some children wait too long before their care is secured through legal processes, and local authority plans to improve practice have not yet had an impact.</p>	

Significant progress has been made in addressing serious weaknesses in identifying and reducing the numbers of children missing education, to ensure that there is early identification, regular review and robust follow-up of children.

## Inspection findings

18. Multi-agency thresholds for intervention are poorly understood by both social care staff and partner agencies. This deficit, combined with poor management oversight of practice in the MASH, results in some children's needs being inaccurately assessed and responded to. In turn this means that some children are not adequately protected. (Recommendation)
19. During this inspection, too many children have been identified as being at risk of immediate harm, and in a small number of instances urgent action has had to be taken by the local authority to safeguard them. Too often there have been missed opportunities to effect prompt change for children who have not received the right level of services at the right time, resulting in drift and delay.
20. Too many children are referred inappropriately to children's social care, because there is an absence of a coherent early help offer. There is a lack of clarity from local authority staff and partners about the purpose and function of early help, and it is often confused with targeted family support, which is delivered successfully by children's social care services. The development of the early help brokerage service, now situated at the point of access to services, has the potential to resolve disputes and to provide help and guidance about thresholds and signposting to agency partners. However, poor quality management oversight has not yet ensured that children are benefiting from early help support.
21. More needs to be done to encourage and support partners in understanding the positive impact that they could make to children by undertaking the role of lead professional. The number of common assessment frameworks (CAFs) completed has increased, although the majority are completed by local authority staff. The quality of many CAFs undertaken by partners is not good enough. Too many are incomplete, lack clear and detailed action plans, or do not include children's views. Central recording of CAFs from all agencies is in the early stages, so the total number of plans completed is not clear to the local authority or to partner agencies. (Recommendation)
22. There is now a single point of access for contacts and referrals. Unqualified referral officers receive all contacts, as well as making all follow-up enquiries and telephone calls to professionals. Professional oversight is poor and this results in key information often being missed, as these staff are unclear about what is expected of them. The number of contacts is increasing, but many do not lead to a referral. Decisions are being made on the basis of incomplete

information and there is an over-reliance on unqualified workers to signpost and process contacts. This results in missed opportunities to correctly identify needs and ensure that there is the right response.

23. The day-to-day management oversight of cases in MASH is inconsistent, with managers often changing decisions made by other managers. This in turn leads to staff confusion and a lack of clarity about the application of thresholds. The absence of an effective electronic performance management information system, combined with incomplete enquiries, are significant factors in a failure to identify risks and ensure that appropriate action is taken to help and protect children. Added to this, the workforce in the MASH is over-reliant on agency staff. As a result, the inevitably high turnover in social work staff means that new protocols and policies are not consistently understood or applied.
24. Consent by families, both for early help and statutory services, is always sought and the discussions with professionals and families are recorded in great detail. In some cases, the rationale to overrule consent is not recorded, and this lack of management recording undermines the care and attention that is being taken when families are first referred.
25. The number of domestic abuse referrals per month is high, at over 3,000, with 401 referrals in a backlog at the time of the inspection, awaiting triage. This backlog, while gradually reducing, still means that children wait too long before an assessment of need or risk is undertaken. Consequently, children who have been involved in, or have witnessed, domestic incidents, may not be adequately supported and protected soon enough. The use of various risk assessment tools in the domestic abuse triage process between police and children's social care does not efficiently identify levels of risk to children. However, when children need an immediate and urgent response, prompt decision-making is effective. (Recommendation)
26. Multi-agency partners who are based in the MASH are not yet being used effectively to gather information. Agencies are co-located but do not yet work well together and more needs to be done to improve respect and understanding for each other's roles and their shared roles in the MASH. Only a third of referrals are responded to in a timely way. Unnecessary multi-agency discussions, in cases assessed as of medium risk, result in children and families experiencing delays in the provision of services they need.
27. When children are assessed to be at risk of significant harm, strategy meetings are generally timely, but not all children who require them have one. Strategy meetings are not routinely attended by all key agencies including, in some instances, the police. This means that decisions to initiate child protection investigations are made without a full picture of the child's life experience and family history. This deficit also relates to children whose cases are already open to statutory services. Inspectors identified a small number of enquiries that should have led to a child protection conference but did not. In

these cases, insufficient or no action was taken to reduce risks for those children. Strategy meetings and child protection enquiries vary significantly in the detail and quality of recording. Some seen lacked relevant information from partners and it was difficult to understand why some decisions were taken based on the information gathered. This compromises opportunities to understand risks to children and young people. (Recommendation)

28. The service and response to children provided by the out-of-hours emergency duty team is poor. The local authority does not quality-assure or oversee decisions made by the emergency duty service and communication with daytime services is too limited. As a result, senior managers cannot be confident that the response to children who need help outside of normal working hours is always timely, effective or safe. In a small number of cases, young people did not receive a sufficiently timely service, including provision of accommodation that was in line with statutory guidance.
29. Assessments of need for children often do not provide a full analysis of risk and clear recommendations. The local authority has introduced new operating principles, and social workers have received training in undertaking assessments. However, most assessments still lack historical context, and this deficit means that assessments are often based on a limited understanding of the child's lived experience. Some assessments seen do not explicitly explore the emotional impact on children of long-term neglect. Managers who authorise completed assessments do not always challenge the quality of them and this does not support required improvements to practice effectively.
30. There are continued serious shortfalls in assessments and planning for children who have disabilities. Too many children receive an inconsistent response when help and protection are needed. Children in need of this service do not have their cases reviewed regularly enough: 481 children have not had their plan reviewed within required timescales and some children have not been visited by children's services in over two years. Too many children who have disabilities are dealt with by the early help service, where the necessary expertise is not available. (Recommendation)
31. Social workers and managers are not yet using authoritative action when situations have changed and new risks have emerged or known risks have escalated for children subject to children in need plans. This means that there are missed opportunities to intervene to safeguard children through child protection proceedings or court care proceedings. A lack of understanding of the complexity of using a relationship-based social work model with families is, in some cases, leading to delays in responding to risks and an over-optimistic view of children's circumstances.
32. Some children have had to wait too long before appropriate action is taken to secure their care through legal processes. The local authority is aware of the current weaknesses in pre-proceedings work and has recently been seeking to address this.



33. Increasingly, the public law outline is being used with good effect to ensure that care is only used when this is in the best interests of children. This is particularly evident in planning arrangements for young children and babies. When letters are written to families to advise them of the intention to enter pre-proceedings, the large majority of these clearly identify concerns and what families need to do to reduce professionals' concerns.
34. Consideration of children's individual and diverse needs within assessments and plans is not consistently of a good enough standard. Stronger assessments recognise the impact and importance of identity to children and young people, and are central to planning for them. Weaker assessments lack detailed exploration and understanding of the impact of religion and culture in families, and this does not help in identifying the right services for children. (Recommendation)
35. Child in need plans and child protection plans do not demonstrate a focus on outcomes based on actions and timescales to achieve change. Recent work has been completed to improve the quality of plans, but this is not yet demonstrating an impact. Many child protection plans are not updated following core group meetings and have unrealistic expectations of parents' ability to change and to protect their children. Core-group activity is very inconsistent in quality and timeliness, and this does not ensure that progress to ensure that children and young people are protected is being monitored, reviewed and measured. (Recommendation)
36. The establishment of the assessment and short-term intervention teams (ASTI) and safeguarding teams is starting to demonstrate improvements in practice. The frequency of management oversight and decision-making is improving. There is a stronger 'grip' on cases in this part of the service. Caseloads are now manageable and children are now more able to build trusting and positive relationships with social workers. Children are almost always seen, and seen alone, in child protection enquiries and in assessments. A strong focus on relationship-based and solution-focused practice means that children and families are starting to understand professional concerns, and parents are increasingly understanding of what needs to change. However, disguised compliance is not always recognised and this means that too much emphasis can be placed upon families' ability to improve outcomes for children, without evidence of sustainable change.
37. Support to families is further enhanced through work by family support workers, who work with families delivering a range of direct work and interventions alongside social workers. Feedback from families indicates that this is a much-valued service that is making a positive and lasting difference to children and families.
38. Child protection chairs are not challenging drift effectively in the progress of plans through use of a formal escalation process. Informal challenges do not always result in a swift management response. As a result, many children in

need of help and protection experience delays in achieving change, and are stepped down to children in need plans inappropriately, or remain on protection plans with no improvement to their outcomes.

39. The quality of child protection case conferences is starting to improve through the use of a recognised and well-regarded model of practice: 91% of families and professionals now report that they understand why they are in conference and they understand what they need to do to change their family situation, and this is positive performance. However, children's views are not consistently heard through the child protection planning and review process. Children do not have sufficient advocacy support to attend child protection meetings to enable them to contribute meaningfully to decisions.
40. At the time of the inspection, local authority performance data reports that 29% of children remain on a child protection plan for three months or less, which is slightly below the 31% recorded in 2014–15, but still five points higher than comparators. In cases seen, the majority of these children were removed prematurely, before risk was reduced, with no positive change sustained. The local authority has not yet successfully addressed delays in securing lasting safety and stability for these children, with a high percentage of children (21.7%) becoming subject to repeat child protection plans at the time of the inspection.
41. Services for children missing from home or care are poor. Return home interviews are only being completed for a minority of children who go missing, with some young people not being offered an interview. Of those undertaken, two thirds take over 72 hours to complete and they are not then consistently copied across to children's electronic case files. The information gathered from children is not collated or used well to evaluate the reasons why they go missing or to inform their care planning. As a result, children do not always receive the help that they need, and there is no evidence that episodes of going missing are reducing. (Recommendation)
42. Those children and young people identified as being at risk of child sexual exploitation are referred to the multi-agency child sexual exploitation (MASE) meeting. Inspectors identified delays of up to five months from a case recommendation to escalate a child's case to MASE, and delays of up to six months for children's cases to be reviewed at MASE. As a result of this inspection, all of these children's cases have now been scheduled to be considered at MASE. However, these significant delays mean that children at risk have not received a multi-agency response to their needs and there have been missed opportunities to gather critical intelligence about trends, patterns and perpetrators. (Recommendation)
43. The experiences of children discussed at a MASE meeting provide a clear source of intelligence. However, opportunities for maximising the benefit that this meeting offers are missed. There is an absence of specific or timely actions to improve planning for individual children. Thresholds to access

targeted child sexual exploitation services are not applied consistently, which means that services are not always directed at those children who are most at risk. As a consequence the targeted family support on offer is not yet reducing risk effectively. The local authority is not adequately addressing the underlying causes of children who are at risk of child sexual exploitation and, despite a revision of child sexual exploitation procedures, practice is not improving.

44. Significant progress has been made in addressing serious weaknesses in identifying and reducing the numbers of children missing education. Additional capacity has enabled a thorough review of data systems, processes and procedures, which has prompted a raft of changes to make sure that accurate information is collected so that action can be taken. The system has been cleansed and is now regularly updated and reviewed. The data-set is now robust, with 109 young people at the time of the inspection currently missing. All current referrals for children missing education are retained for 12 months until the child's whereabouts are known, and only at that point are names withdrawn from the data-set.
45. Schools' representatives, including headteachers, confirm that they are confident that the council has a much better grasp on safeguarding children in schools as a result of significant improvements having been made. Elective home education (EHE) data is now also secure, a significant improvement realised since June 2016. Relatively high numbers (894) are closely monitored and now carefully analysed to identify any trends, concerns and issues arising from local areas, schools and communities. Schools are aware of their duties and complete the appropriate referral forms for children they identify as being at risk. Children they identify as being subject to a CAF, child protection and children in need plans are now alerted to the authority through the referral process. Managers and local schools are working closely with representative EHE families to improve and increase provision for this cohort of children and, more specifically, to raise awareness and concerns regarding safeguarding issues.
46. Effective arrangements are in place when planning for high-risk adults who are due to be released from prison through multi-agency public protection arrangements (MAPPA) and the youth MAPPA. Cross boundary arrangements are in place and these are well supported through regional procedures. MAPPA monitors agency attendance, and social care are now contributing to and attending all MAPPA. Prior to January 2016 this was not the case.
47. Despite a 34% increase in referral of high-risk victims to the multi-agency risk assessment conference (MARAC) since 2014–15, a range of partners, such as adult mental health and housing, still do not contribute routinely. This reduces the effectiveness of MARAC. While there are a range of support services focusing on groups such as mothers, children and male victims, there are no perpetrator programmes available. This is a significant gap and further limits the effectiveness of responses to reduce risk.

48. Homeless young people who are 16 and 17 years old receive a good quality joint response from social care and housing services through the integrated youth hub. Social work assessments lead to young people being offered section 20 accommodation appropriately, with seven young people becoming looked after during the last six months. The remaining 26 homeless young people have all benefited from a range of accommodation providers and appropriate child in need support plans.
49. The council is not identifying children who are privately fostered effectively. When children are living with private foster carers, the local authority does not discharge its statutory responsibilities. Children are not visited in line with requirements, and assessments of potential private foster carers do not always include an analysis of suitability of living arrangements for children. Further, statutory checks relating to the carer's household are often incomplete. As a result, the local authority cannot be sure that privately fostered children are being cared for safely. (Recommendation)
50. The local authority's response to cases referred to it by the police through Operation Limelight, identifying young people as potentially at risk from female genital mutilation, was poor and failed to ensure that necessary multi-agency checks and risk assessments had been completed. There was insufficient planning by both the local authority and police to ensure that a coordinated response to concerns and actions was taken, and this was not compliant with Local Safeguarding Children Board procedures. (Recommendation)
51. The management of allegations through the work of the designated officer is improving and is now effective. The outcomes of investigations are based on a full range of information, and decision-making is appropriate. Good work on engaging with faith organisations is undertaken alongside a charity and is supported by community safety partnership funding, this includes a helpful guide document for all faiths. Further improvements are yet to be made in establishing the role and responsibilities of the designated officer across agencies and the implementation of an audit programme to drive up the quality and effectiveness of practice.

## **The experiences and progress of children looked after and achieving permanence**

**Requires improvement**

### **Summary**

The local authority has improved services for children looked after since the last inspection. This is the result of successfully delivering a substantial work programme to review and improve practice. Key achievements include joint working with the courts and the Children and Family Court Advisory and Support Service (Cafcass) to ensure that children gain legal security swiftly through reducing court timescales, as well as the review and development of services that deliver good quality assessments and support for special guardians and connected persons caring for children. However, the large majority of children still receive services that require improvement.

Appropriate decisions are made for children to become looked after, although some children are looked after in an emergency rather than as a planned move.

The education of children looked after is positive, with attendance, attainment and progress being supported effectively by a well-led virtual school. An increasing range of after-school activities are enabling children to become more self-confident.

Risks for children who frequently go missing, and risks from gangs or sexual exploitation, are considered and reduced through robust plans. Children looked after do not always receive or are offered return home interviews after they have been missing, so risks associated with these individual episodes are not known. Some children and care leavers have experienced a delay in receiving mental health services.

Most children live in stable placements. However, some children have experienced numerous placement breakdowns due to a lack of robust matching processes. Care planning is an area of weakness for the local authority. This means that some children experience delay in receiving services to meet their needs and improve their outcomes.

Children are engaged in decisions about their lives and social workers visit them regularly. Adoption is considered for children who cannot return home and they live with their new families more quickly than at the time of the last inspection. Children, including those placed for adoption, are not consistently helped to understand their care histories through direct work and life story work.

Care leavers enjoy positive relationships with their personal advisers, are aware of their entitlements and high numbers stay in regular contact with the service. The timeliness and quality of pathway plans, however, are inconsistent and too many care leavers are not in education, employment or training.

## Inspection findings

52. Appropriate decisions are made to accommodate children, and no children who had been brought into care unnecessarily were identified during this inspection. For some children, decisions to accommodate them are not based on clear, effective and comprehensive risk-based assessments. This means that they are taken into care in an emergency as risks escalate, rather than having a planned move into accommodation.
53. Assessments and plans for children who have a plan to return home require improvement to ensure that risks are fully considered and that the right support arrangements are in place. When children and families require additional support to make a return home successful, there is an effective edge of care service that undertakes proactive work to support these moves. This team also works positively with children and families at risk of family breakdown, and at the point of a child becoming accommodated.  
(Recommendation)
54. Applications to court are based on a detailed analysis of issues and children's needs, and contain appropriate recommendations. A small number of court statements lack clarity about placement options. The district judge and Cafcass report that they have seen an improvement in the quality and timeliness of documents submitted to court, and improved decision-making regarding thresholds for children in the past year. The timeliness of court processes is improving. In 2015–16, the average was 37 weeks for care applications, and from April to July 2016 this had reduced to 27 weeks.
55. Children regularly see their social workers and almost all see them alone. The current provision of independent visitors is not sufficient to meet the needs of children looked after. The local authority offers an appropriate issues-based advocacy service for children, including those placed out of authority. An information pack has not been developed to share with children when they become looked after, so the local authority cannot have confidence that all children know how to complain. When there is concern that a child looked after is being bullied, professionals and foster carers work effectively to reduce this risk.
56. Return home interviews are not routinely offered and completed with all children looked after following each missing episode. This means that risks associated with a particular missing episode, the reasons why children went missing or where they were, is not always known. There have been delays in appropriately identifying and responding to risk, particularly the risk of child sexual exploitation, for a small number of children looked after. However, for most children looked after, risks associated with offending, going missing or being at risk of child sexual exploitation are being addressed. This includes exploration of missing episodes for those children who regularly go missing, use of strategy discussions and referral to MASE meetings to reduce risk. For

some children who have been at high risk of child sexual exploitation or gang-related crime, placements have been sought outside the child's immediate community to provide specialist care, resulting in a reduction of risk. Effective specialist provision for children looked after who are at risk of child sexual exploitation includes two full-time and one part-time nurse who provide education and awareness-raising, and who can coordinate health information to inform MASE meetings. (Recommendation)

57. Children cannot easily access timely support to improve their emotional well-being and mental health. There have been delays in access to the local authority's therapeutic and emotional support service (TESS) service to prevent placement breakdown and in access to a service from Forward Thinking Birmingham (FTB), which is the local child and adolescent mental health service (CAMHS), to assess and meet mental health needs. The local authority has been working, via TESS, to engage effectively with FTB, and joint screening meetings will now be held to consider new referrals.
58. Educational outcomes for children who are looked after have improved marginally since the last inspection. In 2014–2015 at key stage 1, children performed better in reading than statistical neighbours and nationally, and achieved in line with comparators in writing and mathematics. At key stage 2, attainment in grammar, writing and reading improved, with children performing better than the national average, while attainment in mathematics declined. At key stage 4, of 130 pupils eligible to take exams, a small cohort of 22 (17%) achieved five or more A\*–Cs, including English and mathematics, which was better than the national average of 14%. However, gaps in attainment at each key stage between children looked after and all children in Birmingham remain too wide.
59. The number of children attending good or better schools has increased to 67%. Looked after children educational support (LACES) workers focus their attention on increasing support, if it is assessed as necessary, for children in schools judged to be less than good. Attendance has improved and is high in both primary and secondary schools. The new welfare call system has been introduced to regularly monitor and support the attendance of children attending alternative provision and when living out of area. No child looked after has been permanently excluded, and the virtual school works well with schools to address potential fixed-term exclusions.
60. For those children who struggle to sustain a place in mainstream education, a range of alternative provision is used. Currently, 35 children who are looked after attend provision for up to and including 25 hours. The LACES team closely monitors the attendance and progress of children at this provision. The quality of placements is also regularly reviewed and all provision within the city is subject to monitoring visits. Only two out of the city providers were judged to be less than good and quality assurance visits have been scheduled to take place this term.

61. The vast majority of personal education plans are now completed within appropriate timescales and those sampled were generally of good quality. A small number require improvement because target setting was too simplistic and not appropriately linked to individual needs. Three well-attended reward events have taken place this year for children to celebrate their achievements, attendance and involvement in enrichment and extra-curricular activities.
62. Most children are enabled to have meaningful contact with their family. This includes foster carers supporting some complex contact arrangements to ensure that children are able to maintain their important family relationships. There is limited evidence of social workers proactively considering children's social needs or friendships, or their ability to make friends. Many children engage in a range of leisure activities, from girl guides to gymnastics and regular swimming. A range of additional programmes, across the virtual school and schools in Birmingham, have developed this year to encourage children looked after to develop wider interests in learning, both during and after school.
63. Some children who have complex needs and behavioural issues, including children as young as seven years, have experienced multiple placement breakdowns. This is due to weaknesses in matching processes and insufficiently detailed placement request forms. For a small number of children, the impact of these breakdowns continues to affect their well-being. Most children, however, live in stable placements that have been well matched by the local authority. Following good quality assessments, most children live with their brothers and sisters when this is in their best interests. The local authority has appropriately reviewed the placements of four children who are living in children's homes which have been judged to be inadequate. (Recommendation)
64. The large majority of children's care plans require improvement to ensure that the child's full range of needs and risks are considered, and to ensure that actions are sufficiently clear and time-bound to enable effective monitoring. Adherence to and follow-through of care plans is an area of weakness, with the lack of a sense of urgency leading to drift. This includes delay in accessing appropriate services for children, and is particularly evident for children in their junior and secondary years. (Recommendation)
65. Children benefit from regular review of their care plans, but only just under half of children aged 4 to 18 years old attended their review in person in 2015–16. Not all children are engaged effectively by their independent reviewing officer (IRO) between reviews and prior to their next review meeting. The IRO team is seeking to improve children's attendance at review meetings and to ensure that their participation in these important meetings becomes more meaningful. Review meetings are appropriately challenging for professionals when drift has become evident against the plan. However, there is little evidence within children's case records that IROs are challenging drift effectively in progressing care plans between reviews. The IRO service has



undergone much development since the previous inspection, including reducing caseloads to the current manageable average of 68 children per full-time IRO.

66. When children are placed out of the local authority area, priority is given to securing a suitable placement, with education services identified as soon as possible. This includes appropriate use of both therapeutic and secure accommodation to meet needs and reduce risks for some children. Health colleagues do not currently sit on the external placements panel, which means that children's health needs are not always met at the time placements are made. For the majority of children, the health team negotiates appropriate health support effectively with the host area once the child is in placement, including for emotional and mental health.
67. Support and care planning for the 94 unaccompanied asylum-seeking children who are looked after by the local authority require improvement. At the time of this inspection not all of these young people had fully completed care and pathway plans. The local authority has placed more experienced staff in this area, but it is too early to have had an impact on improving practice.
68. The majority of children who have disabilities and who are in care are making tangible progress and are positively engaged with by their social workers. Management oversight and direction is clear, and planning for permanency is being taken forward for these children. When practice is less than good, this is due to lack of appropriate engagement by social workers with the child and family.
69. Timeliness to achieve permanence for children is variable, and for some children is poor. For those children experiencing delays, this is due to lack of swift action for access to appropriate services and assessments in identifying appropriate permanent placement options. Practice from the start of 2016 shows that planning for permanence is becoming stronger. Children with an early plan for permanence, particularly babies and younger children where relevant parallel planning has been identified, are receiving proactive and timely interventions by social workers against their plans. Many social workers have received training from the local judge regarding best practice when reaching decisions for children. Delays in proceedings are being kept to a minimum through joint work between the courts, social workers and Cafcass.
70. The local authority took practical and decisive action to review and improve the welfare of children living with special guardians and connected persons following the death of a child in 2015. Detailed reviews of children who were subject to proceedings for special guardianship orders, and those who had been placed with special guardians over the preceding two years, was undertaken. Appropriate follow-up action was taken when relevant to promote individual children's welfare. The local authority has added substantial resources to develop the assessment and support service for SGOs and connected persons to ensure that these placements are timely, safe and

supported for children. SGO and connected persons assessments are now of a good quality. Furthermore, the local authority is in the process of identifying and contacting all special guardians to explain its offer of support.

71. During 2015, the fostering team undertook a review of in-house foster care provision, which resulted in a reduction of 116 placements, some of which had never been used for children. There has been a significant improvement in the recruitment of foster carers following this review, although further improvement is still required to increase options for children. Current recruitment is appropriately targeted to increase the availability of placements for children who can be difficult to place, such as teenagers. The new designated out-of-hours carers are supporting continuity for children (including siblings placed together) who are placed in an emergency. Previously, very short-term placements were being used.
72. Assessments for foster carers are thorough, include relevant checks and are appropriately challenging if concerns are identified. The large majority of foster carers spoken to by inspectors were very positive about the support they receive from their supervising social workers, describing them as 'amazing' and 'second to none'. Carers all have up-to-date, signed, delegated authority to make appropriate decisions regarding their care of the children placed with them, and they receive information about the children in a timely way. Carers spoke positively about the potential for children to develop more enduring and open relationships with their social workers now that the workforce is more stable.
73. The local authority has commissioned an effective service to support children aged 10 to 16 years who are moving from residential care to foster placements. Children are central in planning for these moves and are supported by inspirational mentors with a background of care themselves. Therapeutic support is also provided to support these moves, with this gradually decreasing over time according to the child's needs.
74. Life story work is not routinely undertaken with all children who are being long-term fostered to ensure that they understand their identity, life and care histories. Where this important work is undertaken, it requires improvement to ensure that information is sufficiently child-focused and that it is likely to be of help, both now and in the future. The large majority of children are enabled to establish positive relationships with those who are caring for them through being placed in stable placements with skilled carers. Current recording systems would make it challenging for a child accessing their records in the future to gain a clear oversight of their care histories or experiences.  
(Recommendation)
75. The Children in Care Council (CiCC) is made up of a small but active group of 13 children looked after and two care leavers. Members of the CiCC are working effectively with the local authority to improve services for children looked after. Key successes have been, implementation of the MOMO mobile

telephone application, enabling improved communication between children, their social worker and IRO, and a full review of pocket money rates.

76. For some children, consideration of diversity is limited to noting the child's identity and diversity, without then developing this into a detailed plan to meet these needs. For most children, though, needs arising from ethnicity, religion and identity are considered well, with appropriate plans in place to meet these. This includes appropriate consideration during matching for placements.

<b>The graded judgement for adoption performance is that it requires improvement</b>
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77. Steady progress over the last 15 months, under a new manager, has improved the adoption service by increasing staffing, expanding family-finding teams and establishing a post-adoption service. A clear improvement plan identifies the areas requiring urgent attention, such as improving the timeliness of, and monitoring the progress of, adoption plans. However, recent improvements to the service, such as the permanence advice clinic, are not yet sufficiently embedded to evidence the desired impact.
78. Adoption is considered for all children who cannot return home at the second child looked after review. Nevertheless, the absence of the adoption manager's early involvement at legal and care planning meetings means that the service is not alerted at a sufficiently early stage about children who may need an adoptive family, and, as a result, adoption planning and family-finding does not start as soon as it could.
79. Monthly tracking meetings are now in place to monitor the progress of decisions about children ready for adoption through to care proceedings. Despite recent involvement by the adoption manager, it is still too early to see if there has been any impact in ensuring that plans are progressed without delays and that placement options are continually monitored.
80. Timeliness, as measured by the national adoption scorecard, demonstrates progress in closing gaps to target thresholds. Recent figures for 2016 relating to the average time it takes from a child entering care and moving to their adoptive placement show the gap reducing between 2012 and 2015 to 200 days. However, performance for the average time between a placement order being granted and a match with an adoptive family, while reducing and now at 263 days, still misses the government target of 121 days. Some good examples of improved timeliness were identified, such as adoptive families being identified for three children within 180 days.
81. The authority acknowledges the challenges of meeting nationally set adoption timescales and understands why their performance is not yet meeting these.

In particular, delays relate to the time taken to identify suitable families to meet the needs of harder to place children. Delays are mitigated by the council's tenacity in identifying adoptive families for children with complex health and disability needs. A good example is that of five brothers and sisters, where it has taken 2,000 days to secure the right adoptive family. More positively, these children benefited from living in stable and secure foster homes while they waited.

82. Numbers of children placed for adoption have steadily increased, from 120 in 2014–15 to 140 children in 2015–16 and, so far in 2016–17, 57 children. Currently there are 32 children with a placement order going through the matching process, including seven brother and sister groups. A further 44 children have a decision for adoption but legal proceedings are not yet concluded.
83. There have been two pre-order adoption disruptions in the last three years. This indicates that, in most cases, matching ensures that children live in safe, permanent homes. Matching practice is effective, considers the strengths of adopters, their capacity to meet the needs of children with complex needs and the level of support they will need. As a result, children and their adoptive families receive the right support.
84. In the last 12 months, 34 plans for adoption have been changed and the rationale for these includes courts not granting a placement order and the authority reversing the decision. For some children, permanence has been achieved through special guardianship arrangements or a successful return home. Although it is positive that the children have had stability with their foster carers, there have been delays of over two years for a small number of children in making the decision to change the plan in order to achieve permanence. In these cases, consideration of adoption with the existing foster carers was not timely. In 2015–16 the authority actively reviewed all cases of children waiting too long and have now secured permanence for the majority through long-term foster care.
85. There are no formal arrangements for concurrent planning, but twin-track planning for some children has been effective in reducing delays. The limited progress in securing 'foster to adoption' carers and continuing low numbers, one in 2014–15 up to four in 2015–2016, means that there are missed opportunities to secure permanence and avoid unnecessary delays for some children. The authority acknowledge this challenge and is ensuring that this option is explored with prospective adopters.
86. A range of options are pursued for family-finding, including activity days and collaborations with local adoption agencies and access to national adoption links. The authority has been successful in finding families for harder to place children. For example, in 2015–16, 49 children from Black and minority backgrounds, and 24 brother and sister groups of two, and two brother and sister groups of three, were placed. While the district judge has commended

the quality of assessments of whether brothers and sisters should stay together or be separated, the arrangements for contact between the children is not always clearly identified. Establishing the accuracy of adoption data about the number and progress of children who have disabilities and the number of older children who have been adopted is problematic.

87. The adoption panel has appropriate processes in place to consider recommendations for approval and matching. Suitably senior agency decision-makers are now making timely decisions and plans are under way for more regular meetings with the panel chairs. More effective quality assurance by the panel informs areas for development, such as improving the quality of child placement reports (CPRs) and as a consequence additional training was provided to staff. CPRs now demonstrate improvement and provide appropriate information about the child's journey, their experience and the rationale for adoption. Children's wishes are taken into account where possible. One young person expressed their strong desire to no longer be 'associated' with being a child looked after and made this clear to the social worker, as they wanted to be adopted by their long-term foster carer, and this positive outcome was achieved.
88. The adoption panel could better explore children's identity, especially when a child of mixed parentage is considered for placement with white adopters, or adopters of a culturally mixed background. It is not consistently clear how adopters will address identity issues as children grow up and become more culturally and racially aware. While social workers say that they do scrutinise prospective adopters' attitudes to diversity, the prospective adopters' reports also show the same limitations in this important area. (Recommendation)
89. Life story work is not consistently completed at the right time. For example, the life story work for six children was incomplete, and one child has been waiting since 2015 for this important work. While one adopter praised the timeliness and positive impact of life story work and the book for their child, another said that they have been waiting for this to commence. The quality of life story work and life story books is variable. Some life story books are excellent, focusing on the child's journey, capturing their history and ongoing experiences in a helpful, sensitive manner. Others are less child-friendly, with too much use of jargon and lacking personal information to help young people make sense of their history.
90. Children are prepared well for the transition from foster care to their adoptive family. Effective support plans identify direct work to support children. For example, pictorial imagery is used effectively to help children to recognise and identify the people in their lives.
91. No delay was found from the point of enquiry to the prospective adopter initial visit, but the quality of the initial visit assessments was variable. Unclear recording limits the understanding of the information provided by the prospective adopter. One adopter described the adopter preparation,

assessment and training as 'excellent and exacting' and that it provided confirmation of whether adoption was the right choice for them. Adopters were clear that the training prepared them well for the challenges associated with adoption. In 2014–15, 45 adopters were approved. This increased in 2015–16 to 70. At the time of the inspection, 25 adopters were at stage 1 and 20 were at stage 2 of the recruitment process. It is encouraging that the authority has 16 approved Muslim adopters, with seven currently awaiting placement.

92. The post-adoption support team helps adopters and children before and after adoption, including access to the team's clinical psychologist. Appropriate individual and group support is available through a commissioned adoption agency. The offer of therapeutic parenting training assists adopters with their new roles and attachments with children. A good example is the positive impact on an adoptive child of six years, after difficulties in engagement at school emerged. The support plan included one-to-one support in school and counselling for both the child and the adopters and access to a clinical psychologist via the adoption support fund. The adopter reported that the support had helped her child to, 'begin to make sense of his situation and environment.'
93. An increasing number of adoptive families received effective support, including support from Adoption Support UK, 47 families are accessing the adoption support fund, counselling is offered to birth families and adopted adults received birth records counselling and access to records. Letterbox contact is available with 1,193 such arrangements.

**The graded judgement about the experience and progress of care leavers is that it requires improvement**

94. Considerable work has taken place since the last inspection to improve practice. Young people say that they feel well supported by their aftercare advisers and show confidence in seeking advice and support when they need to. Personal safety and keeping safe are key themes which are regularly discussed with care leavers, and when interventions are required they are duly recorded. Risks are carefully assessed, and particularly so when moving towards independence and in the allocation of housing. When necessary, management oversight is timely and decisive.
95. Training has been implemented to strengthen relationship-focused work and some good examples were seen where this is beginning to have a positive impact on young people's lives. The local authority is in touch with 97% of care leavers, which is better than the England average of 88% in 2015–16. Of 469 care leavers (19 to 21 year-olds) only 14 no longer have contact with the service. Aftercare advisers are experienced and use their skills and

relationships effectively to support them and keep them engaged. Caseloads are becoming more manageable, and the local authority has identified a need for a newly established team to lead and support work with unaccompanied asylum seekers and care leavers who have special educational needs and/or disabilities to increase the capacity and strength of the service.

96. The quality and timeliness of pathway plans are not consistently good. There is still much work to do to ensure greater consistency of practice across all the care leaving teams. In some instances, plans were not completed to timescales and action planning was cursory. New electronic pathway plans have been recently introduced, with a much stronger focus on the voice of young people. Oversight and quality monitoring are more rigorous, which ensures that in the majority of cases plans are thorough and the views and wishes of care leavers are well documented. As a result, planning in the best examples was well-defined with a stronger focus on outcomes. However, some care leavers have expressed concerns that the new style of plan is overly personal rather than focusing on more practical issues. Some advisers also expressed concerns that the plans were taking longer and this was causing some delays in completion.
97. Joint transition planning between the 16 to 18 social work teams and the 18+ service is inconsistent and for some young people happens at too late a stage. Planning for transition began for some individuals in their mid-17th year, giving them little time to explore concerns about, for example, readiness for independence and accommodation options. Transition planning for children looked after who have special educational needs and/or disabilities is more effective and well targeted in ensuring that appropriate housing solutions and specialist services are commissioned in a timely way.
98. Overall, there is good attention to medical and health issues for care leavers. They know how to access the right services when they need them and there is support to arrange local registration with a doctor, dentist and optician. Specialist health services are available in a variety of locations around the city, including sexual health and drug and alcohol services. When living out of the area, aftercare advisers help care leavers to locate and access relevant services when necessary. Designated nurses provide support to those care leavers who have special educational needs and/or disabilities in completing new forms for disability and personal independence payments.
99. A bespoke service for children and young people who are looked after, the therapeutic emotional support service, receives many referrals and is providing a reliable and immediate service for those care leavers needing emotional support and guidance. However, waiting times for the newly configured child and adult mental health service, Forward Thinking Birmingham, are at times excessive because children looked after and care leavers do not currently receive prioritised treatment. It was unclear from case records whether care leavers had received information about their health histories prior to leaving care. Aftercare advisers were equally unsure. A

review is to be implemented to improve this practice and ensure that information has been appropriately passed on to each care leaver.

100. Care leavers are aware of their entitlement to services and they receive good support to access information about, for example, legal rights, benefits and financial help they can receive. Good examples were seen of aftercare advisers helping care leavers to apply for duplicate birth certificates and passports. In job centres across the city, welfare rights 'champions' work closely with the 18+ service, and help care leavers to navigate the benefits system and seek employment.
101. Most 16 to 18 year-old care leavers are in education, employment or training and there has been a gradual reduction in the not in education, employment or training (NEET) cohort to 13% (53 of 406). The virtual school headteacher has developed a number of strong partnerships across higher and further education, training and business sectors to increase the range of opportunities to prepare care leavers for more positive pathways. The corporate parenting board's mentoring programme, for children looked after and care leavers in the city and out of area, is a positive development. Over 200 mentors have been recruited and offer a range of one-to-one learning support as well as help with job search, interviewing techniques and writing curricula vitae.
102. Currently 54% of care leavers known to the 18+ service are in education, employment or training, and of this group 15% (101) are in higher education. Of real concern, however, is the stubbornly high percentage of young people who are NEET. At 46%, higher than the national average of 40%, this has not reduced significantly since the last inspection. Progress has been too slow. Significant barriers continue to block progress, particularly for those in care who have not fared well in English and mathematics while at school. For example, a care leaver who had successfully completed an entry-level childcare programme at college could not move on to the level 1 course because she did not have functional skills qualifications. (Recommendation)
103. More focused work is in progress within the council and with training and employment partners to improve opportunities for care leavers. Although it is too early to see significant impact, new pathways are beginning to emerge across the city, including joint funding with another local authority of £50 million for a youth employment initiative targeting vulnerable young people, including care leavers. An effective partnership has developed between the virtual school and the 18+ service with the University Hospitals Trust to open up opportunities for care leavers in work experience and training in the public health sector, and 11 care leavers have also recently started a pre-apprenticeship programme with a construction company, and full apprenticeships will be offered to those who complete the programme successfully. To date, however, very few opportunities have been offered by the council that prioritise care leavers for placements, and this is a significant gap. (Recommendation)



104. The 'staying put' policy has been revised since the last inspection, with improved attention to ensuring more gradual transition from care to adulthood. Take-up has more than doubled, from 35 in 2014, with currently 77 care leavers choosing to extend their fostering arrangements on their 18th birthday. A higher proportion of young people are choosing to stay in care until their 18th birthday, at 73% against 68% nationally.
105. Good work is undertaken to make sure that the right accommodation is available and appropriate for care leavers. The care leavers' accommodation and support framework provides a helpful pathway in identifying the range of options available to them. All provision must meet 'the Birmingham standard', a commissioning validation tool, to ensure that quality standards are met. Approximately 94% of care leavers were in suitable supported and independent accommodation on 31 August 2016, which has improved over the year. Placement stability was good. Multi-occupancy accommodation was used only when it had been assessed as suitable for the young person. Risk and protective factors regarding a young person's safety and well-being are prioritised in the placement process, whether they are being housed in Birmingham or out of area. A number of examples were seen where care leavers had been appropriately rehoused out of Birmingham for their safety and protection.
106. For care leavers who have special educational needs and/or disabilities, support is targeted well through the council's provision of appropriate housing and commissioning of specialist services. The small cohort (13) of care leavers in custody receive regular visits by their aftercare advisers and preparation for leaving is prioritised. In some instances, this work had been undermined by inaccurate or short-notice information about actual release dates from the custodial placement, leaving very little notice for the 18+ service to make sure that the right accommodation in the right location was available.
107. Aftercare advisers and care leavers have been involved in monitoring and assessing the suitability and quality of accommodation, as well as testing the support arrangements offered by a range of council and private housing providers. Bespoke packages of support towards independence are in place and floating tenancy arrangements are made for those new to tenancies or who might need extra help in becoming independent. Emergency accommodation is sufficient and well-regulated to meet requirements should placements break down or if needs are unmet. The Youth Hub, a nationally recognised service established by St Basil's voluntary organisation, is an important and well-used facility to address emergency placements as well as the housing and homelessness needs of young people living and arriving in the city. A key partner with the council, it also provides staff training and accredited life skills programmes supporting care leavers in their move towards independent living.
108. Two well-attended rewards evenings were held this summer for care leavers. Academic achievement and participation in training and activities to develop

their confidence and skills were celebrated. The newly established care leavers' forum has begun to engage in broad policy discussions with senior officers and the corporate parenting board on a range of issues. Building on the success of the active CiCC, numbers attending are low and work to extend its representation is identified by the service as an important priority for the group.

Leadership, management and governance	Inadequate
<p><b>Summary</b></p> <p>The local authority has a history of providing poor services to children and their families. Some services continue to have serious and widespread failings that have not been tackled effectively. Against this background, strategic leaders have an increasingly effective focus on improvement and have invested in services to support this. This has been helped by stronger and more joined-up leadership at a council-wide level from both political and strategic leaders. Because of this, some important steps forward have been taken within the last year, including a sharper focus on frontline practice. A well-considered approach to workforce development has been successful in ensuring that there is a sufficient and relatively stable workforce. Services for children looked after, care leavers and those who could benefit from adoption, which were graded inadequate by Ofsted's last inspection, have improved. Some improvements are very new or yet to have a full impact in ensuring better outcomes, and significant barriers to further improvement remain. Despite this, those improvements that have been achieved, and an increase in the pace of improvement, provide a foundation for further progress.</p> <p>Frontline management oversight and decision-making, particularly of unqualified staff within the MASH, is not consistently effective in ensuring that risk is identified, or that interventions are matched to the levels of children's needs and risks.</p> <p>Strategic planning to address child sexual exploitation is weak, with planning for improvement at an early stage. There is a lack of focus on understanding the impact of services in reducing risk, including understanding the links between children missing and continuing risk.</p> <p>Service development for children in need of help and protection is not sufficiently informed by analysis of intelligence and performance information or by a strong enough focus on understanding the impact that services are having on reducing risk.</p> <p>Performance management, strategic improvement planning and quality assurance processes are not consistently used to identify and improve performance and lack a focus on impact. The local authority has an unclear and sometimes over-optimistic picture of the progress it is making. Multi-agency working at both strategic and operational levels is not consistently effective. It is not well joined-up, lacking clarity and coherence. This has limited the pace and extent of progress, particularly when services are provided in partnership with other agencies. While most local authority-led early help work is at least adequate, and some is good, the majority of that led by partner agencies is very poor. Although yet to have a significant impact on improving frontline services to children, the establishment of the children's strategic leaders' forum and the early help and safeguarding</p>	

partnership have been important in beginning the process of creating a shared strategic approach.

## Inspection findings

109. This inspection has found that some services continue to have serious and widespread failings that have not been tackled effectively. These are primarily for children and young people in need of help and protection but the failings have an impact across all services. Against this background, strategic leaders have an increasingly effective focus on improvement and have invested in services to support this. The appointment of the Executive Director of Children's Services (EDCS) has led to a sharper focus on frontline services. This has been supported by stronger and more joined-up leadership at a council-wide level from both political and strategic leaders. Because of this, some important steps forward have been taken within the last year. Services for children looked after, care leavers and those who could benefit from adoption, which were graded inadequate by Ofsted's last inspection, are now improved. Some of these improvements are very new or yet to have had an impact, and significant barriers to further improvement remain. Such barriers include an electronic case recording system that does not best support good social work practice and partnership working that is frequently poor. Despite this, those improvements that have been achieved and an increase in the pace of improvement provide a foundation for further progress.
110. Managers in the MASH are not overseeing the work of unqualified referral and advice officers consistently enough or well enough to ensure that they make the right judgements, nor are their own decisions consistently right when evaluating risk. This means that children do not always receive the right services, or receive them quickly enough, and in some cases children have been left at continuing risk of significant harm. This lack of effective management oversight has also meant that many children who have disabilities, and who are in need of help and protection, have not been seen regularly, nor have they had plans to support their welfare reviewed. Although this service has recently been brought under children's safeguarding line management, much work remains to be done to ensure that it is fit for purpose. (Recommendation)
111. Work to tackle child sexual exploitation is inconsistent and much is poor. Strategic planning to tackle child sexual exploitation is not good. It lacks sufficient connection to work to protect children and young people who may be at risk as a result of going missing, and lacks a strong enough focus on understanding the impact of services in reducing risk. Work to reduce risk is not sufficiently advanced, and neither it nor wider service development is informed by sufficient analysis of intelligence and performance information. For example, delays in holding MASE meetings have only recently been reduced to approximately four weeks, and the practice of providing much quicker 'emergency slots' to discuss the cases of children whose situations are

urgent was only introduced four weeks before the start of the inspection.  
(Recommendation)

112. Services for children missing from home or care are poor, particularly so for those missing from home. Return home interviews (RHIs) are only being completed for a minority of children who go missing. Of these, two thirds take over 72 hours to complete and they are not then consistently copied into children's electronic case files. Children's plans are not routinely informed by RHIs, nor are themes from RHIs used to inform service planning. This work is not well aligned with work to counter child sexual exploitation. Planning for improvement is at an early stage.
113. Performance management systems and meetings are not being used to tackle significant deficits in some important areas of practice, such as child sexual exploitation, protecting children who go missing and those who live in homes where there is domestic abuse. The effective use of such systems to understand and improve performance is also hampered by ongoing challenges with data quality. More broadly, the electronic case recording system does not best support high quality work with children and families. Performance management and quality assurance systems are not closely enough aligned and there is insufficient emphasis on the quality and impact of practice. With the exception of an audit of assessments carried out by the three principal social workers (PSWs), thematic audits are not being used to identify or help improve poor practice. Although the use of practice evaluation forms has become progressively more embedded during 2016, findings have not been well used to identify or tackle areas of poor practice, such as inconsistent threshold decision-making in the MASH. Feedback from children and their families is increasingly being gathered, which is a positive improvement, but this is at a relatively early stage and is not used alongside performance and audit information to help understand the impact of practice.  
(Recommendation)
114. Despite these limitations, performance management and quality assurance systems have undergone significant development during 2016. The structure of performance meetings, from the senior management 'quartet' at a strategic level, through city- and area-level meetings, provides a sound framework for considering performance. It provides senior managers with a line of sight to the frontline and gives frontline and middle managers a framework to understand and improve some areas of performance. The performance evaluation service and PSWs are increasingly well integrated into this structure. This is beginning to have an impact in some areas of practice. Improvements have been achieved in the timeliness of assessments and initial child protection case conferences. This means that children are more likely to have their needs assessed and to receive appropriate and timely services.
115. Since the last inspection, improvement planning has largely focused on the right things, but has paid too much attention to simply checking whether agreed actions have happened and too little to whether those actions

achieved improvements in practice and in children's outcomes. This has sometimes led to an over-optimistic assessment of progress, and means that the local authority cannot always be clear that desired improvements in the quality of practice and in outcomes for children have been achieved. For example, if overview and scrutiny reports on progress in tackling child sexual exploitation or monitoring of the implementation of the MASH had a stronger focus on quality and impact, deficits in practice which were identified by inspectors may have been picked up earlier. Although further work is required to shape a functional framework for early help services, the current arrangement of the Children's advice and support service, ASTI, safeguarding, children looked after and leaving care teams provides a coherent framework for the delivery of statutory services.

116. Multi-agency working at a strategic level is not consistently effective. It is not well joined-up, lacking clarity and coherence. Birmingham's joint strategic needs analysis contains a number of gaps in important information, for example about children living in homes where domestic abuse or parental mental ill-health are a feature. A July 2016 partial update still contains gaps and is too recent to have had an impact on improving services. This incomplete package of information, not linked to any shared multi-agency set of priorities, clear commissioning or monitoring plan, makes it more difficult for agencies to work together effectively to improve outcomes for children, to hold each other to account for delivery or to understand what difference they are making. Despite these gaps, the local authority has provided leadership to partner agencies, by driving the establishment of the children's strategic leaders' forum and the early help and safeguarding partnership. Although yet to have a significant impact on improving frontline services, these groups have been important in beginning the process of creating a shared strategic approach, for example through the recent adoption by agencies of the early help outcomes framework. (Recommendation)
117. Partner agencies have not been successfully engaged in providing early help work. Of over 4,500 children and young people receiving early help services at the time of the inspection, 2,882 were being supported by the local authority's own family support services and 752 by the youth offending service, compared to only 1,046 being supported through CAFs with partner agencies taking the role of lead professional. While most local authority-led early help work is at least adequate and some is good, the overwhelming majority of examples seen by inspectors where work was led by partner agencies is very poor. Weak tracking and evaluation systems, and no current electronic CAF recording system, make it difficult to drive improvement through performance management. The duplication of CAFs alongside child in need or child protection plans for some children is particularly confusing. (Recommendation)
118. The creation of the commissioning centre of excellence has been an important advance in establishing an effective approach to commissioning. However, the quality of commissioning remains inconsistent and there is much more work to do to embed the centre's approach. While early years services have been

mapped against need and recommissioned, a similar process for early help and targeted services is yet to be completed. Contract management does not always ensure that commissioned services consistently deliver against contract specifications and children's needs, as seen with the poor completion rate and timeliness of RHIs. In an improving, but still inconsistent, commissioning landscape, there are a number of examples of good practice. These include: an improved approach to recruiting agency staff via a master-provider contract and agreed regional price-cap, leading to better value for money and an improved ability to transfer capable agency staff to permanent contracts; an improved 0 to 25 CAMHS service, including reduced waiting times and a rapid response team helping to avoid hospitalisation; and a recently established young people-specific sexual health service for which young people were involved in the specification and tender processes.

119. The corporate parenting board has been working with the CiCC to establish and refine its work plan. Clear governance arrangements now oversee the board and its work effectively. Although the board has achieved some improvements, it is still at an early stage of considering the full range of issues for children looked after. For example, the board has not considered the IRO annual report and, although it secured a number of refurbished laptops for children looked after, did not know how many children looked after had access to a computer or laptop at the time of the inspection. It has, however, established itself as a key driver in improving services for children looked after and has ensured that nearly all councillors have had training about their corporate parenting responsibilities.
120. Data and management information have been used effectively to underpin planned activity in a recently published sufficiency strategy. Although the strategy lacks specificity about current or projected numbers of children looked after, it is a well-considered document that provides a structure and evidence base for planning to meet need. Good use is made of results-based contracting and a mixed economy of providers and partner agencies.
121. A well-considered approach to workforce development has been successful in establishing a sufficient and increasingly stable workforce. The percentage of permanent, as against agency, staff has improved and both vacancy rates and staff turnover have reduced. Focused advertising, 'golden hellos', retention payments and 'no-penalty' conversion of agency staff have been elements of this approach. Additional investment has supported improved staffing levels, and this has helped to ensure that staff have manageable caseloads. Children are now more likely to be able to build a relationship with a social worker who does not change and has the time to visit regularly. The support and progression package for social workers in their assessed and supported first year in employment is strong, and social workers generally speak positively of the support and development opportunities they receive. Almost all social workers receive regular supervision and this is continuing to improve. Between 1 April and 30 June 2016, 86% of social workers received supervision at least monthly. The impact of systemic supervision training received by team

managers can be seen in improved reflection and learning in more recent supervision records.

122. Evaluation of the impact of training in improving practice is underdeveloped. Workers are asked to complete an electronic evaluation form between five and 30 days after attending training. This is too soon to show if it is improving practice, and has a completion rate of only 26%. The training 'offer' has recently been matched against the core competencies expected of staff, as outlined in a practice framework, but has not been matched against areas of poor practice identified through audit or performance management. This means that the volume and focus of training is not well aligned with areas of performance most in need of improvement.
123. The chief social worker (CSW) and PSWs are being progressively well used. The CSW meets regularly with the chief executive, DCS and EDCS, and the PSWs are well integrated into area management structures. This approach is beginning to have a positive impact. An audit of single assessments, carried out earlier in the year, led to a revision of the assessment template and this has supported recent improvements in practice. However, their role is at a relatively early stage, with much still to do, such as the roll-out to all staff of evidence-based tools, the creation of a stronger link between the PSWs' oversight of practice and the learning and development 'offer' and further work to improve planning.
124. Work to counter the risks to young people from radicalisation is in place and there are some examples of good practice and well-targeted work reducing risk for young people. This is true at an individual level, where the 'Prevent' duty is well joined-up with mainstream safeguarding work, and at a strategic level, where the local counter-terrorism profile drives awareness training in schools and other settings, as well as targeted interventions with vulnerable communities and groups.



## **Information about this inspection**

Inspectors have looked closely at the experiences of children and young people who have needed or still need help and/or protection. This also includes children and young people who are looked after and young people who are leaving care and starting their lives as young adults.

Inspectors considered the quality of work and the difference adults make to the lives of children, young people and families. They read case files, watched how professional staff work with families and each other and discussed the effectiveness of help and care given to children and young people. Wherever possible, they talked to children, young people and their families. In addition the inspectors have tried to understand what the local authority knows about how well it is performing, how well it is doing and what difference it is making for the people who it is trying to help, protect and look after.

The inspection of the local authority was carried out under section 136 of the Education and Inspections Act 2006.

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The inspection team consisted of 13 of Her Majesty's Inspectors (HMI) from Ofsted.

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# City Council

6 December 2016

## Implementing the Devolution Agreement – Mayoral Combined Authority Functions

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### 1.0 Purpose

- 1.1 To seek Council's consent to the Mayoral West Midlands Combined Authority Order to be laid in Parliament, detailing the functions required by the Combined Authority, in order to deliver the devolution deal, as agreed at the City Council meeting in March.
- 1.2 To seek delegated consent to the Chief Executive in consultation with the Leader for minor and drafting amendments to the Order.

### 2.0 Background

- 2.1 The development of the government's devolution agenda created the opportunity for the West Midlands Combined Authority to negotiate and subsequently agree a proposed [Devolution Agreement](#). A period of clarification was then carried out on the agreement, which was then ratified by the seven constituent councils throughout February and March 2016, including the Birmingham City Council on 1 March,
- 2.2 The devolution agreement is the first step for the West Midlands in securing the powers, resources and independence needed to drive economic growth, public service reform and deliver real outcomes for local people in terms of jobs, homes, better transport and better public services. It will open up potential investment funds totalling £8bn and increase confidence in the local area so that further private sector investment can be leveraged. It sits alongside the Midlands Engine project, a partnership with government covering the whole West and East Midlands, including the Midlands Connect initiative to take forward east-west transport investment.
- 2.3 The key focus areas of the first devolution agreement are:
  - Finance - including £36.5 million per annum of government revenue funding for 30 years, to support a locally controlled investment fund
  - Governance - including the election of a Mayor for the West Midlands metropolitan area in May 2017
  - Transport
  - HS2 growth

- More and better homes
- Skills & employment
- Supporting and attracting business & innovation
- Public service reform

2.4 Following the ratification of the devolution agreement, the next stage was to establish the position of the Mayor, a prerequisite to the devolution agreement. The Mayoral 'elections' Order, to create the position of the Mayor, was approved by the Chief Executive, in consultation with the Leader under delegations given by the City Council in March. A Scheme outlining the new functions for the Combined Authority under the Devolution Agreement was then drawn up and consulted upon. That Scheme is the basis of the Order that Council is now asked to approve.

### **3.0 Consultation for functions to be conferred upon a Combined Authority**

3.1 It is a requirement that a public consultation be undertaken in most cases where additional functions are to be conferred upon a Combined Authority. Therefore the functions required by a Mayoral West Midlands Combined Authority to deliver the devolution agreement, were detailed in a ['Scheme'](#) and consulted upon.

3.2 The [consultation](#) was carried out from 4<sup>th</sup> July – 21<sup>st</sup> August 2016 to seek views from the public and stakeholders on the additional functions proposed to be conferred on the WMCA, in order to deliver the devolution agreement.

### **4.0 The Mayoral WMCA Order**

4.1 Following the consultation, a summary of responses was submitted to the Secretary of State for Communities and Local Government. The summary report is available on the WMCA website via the following [link](#) for Council's information.

4.2 Following consideration of the consultation, the Secretary of State has indicated that he is satisfied that the statutory tests have been met (detailed in [Section 113, Local Democracy, Economic Development and Construction Act 2009](#), as amended by the [Cities and Local Government Devolution Act 2016](#)) and no further consultation is required.

4.3 Therefore the Department for Communities and Local Government have prepared the draft statutory Mayoral West Midlands Combined Authority Order, based on the Scheme, in consultation with the West Midlands Combined Authority and the relevant government departments. It is the Order being presented to Council for consideration.

4.4 If approved by the seven Constituent Councils and the Combined Authority, the Order is laid in Parliament for approval, enabling functions to be transferred to the Combined Authority.

## 6.0 Implementing the devolution agreement timeline

Aug – Nov 2015	Devolution negotiations
Nov 2015	Proposed devolution agreement signed
Nov 2015 - Mar 2016	Clarification period carried out on devolution agreement
Mar – May 2016	Constituent Councils ratified the devolution agreement and the Scheme drafted
May – Jun 2016	Constituent Councils approve Mayoral 'elections' Order and approve the Scheme for consultation
Jul – Aug 2016	Consultation on the proposals in the Scheme carried out
Sep – Oct 2016	Consultation responses collated and submitted to the Secretary of State and DCLG for consideration.  The Order is drafted by DCLG, based on the Scheme
Oct – Dec 2016	The Mayoral Combined Authority Order presented to Constituent Councils and Combined Authority for approval and consent to lay in Parliament.
Jan – Mar 2017	Functions incorporated into Combined Authority's governance and constitutional arrangements
May 2017	First Mayoral election.

### MOTION

This City Council :

1. Consents to the draft Mayoral West Midlands Combined Authority Order (appendix A ) being laid in Parliament.
2. Delegates to the Chief Executive, acting in consultation with the Leader of the Council, the power to approve minor and drafting amendments to the Order.



**REPORT OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

**Introduction**

1. The purpose of this report is to seek approval to the revised Statement of Licensing Policy.

**Background**

2. Section 5 of the Licensing Act 2003 requires the licensing authority to determine and publish its Statement of Licensing Policy every five years.
3. The current Statement of Licensing Policy has been in effect since July 2015.
4. The legislation allows special policies regarding cumulative impact to be included within the Statement of Licensing Policy. The effect of a special policy is to create a rebuttable presumption that licence applications likely to add to the cumulative impact in a specified area will normally be refused, subject to representations being made
5. Following the previous review of the Statement of Licensing Policy, officers carried out consultations with regard to proposed new Special Policy (cumulative impact) areas, namely:
  - Erdington
  - Digbeth and
  - John Bright Street
6. On 19th October 2016, the Licensing and Public Protection Committee considered evidence received as a result of the consultation concerning the proposed special policies.
7. Approval was given by the Licensing and Public Protection Committee to the proposal for special policies as follows:
  - Erdington:
  - Digbeth:
8. The proposal relating to John Bright Street was not approved.

**Responsible Authorities:**

9. The Statement of Licensing Policy also lists those agencies who are considered to be Responsible Authorities under the Act. Whilst many are directly specified in the legislation, there is also the following reference:

“a body which: (i) represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and (ii) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;”

10. Originally this function was assigned to the Birmingham Safeguarding Children Board, and subsequently Public Health. It has now been agreed that this function will be carried out by Children's Services, and the policy has been amended to reflect this amendment.

### **Amendments to the Policy Document**

11. A new paragraph has been included within the document as follows:

*'Technical amendments to correct errors brought about by legislative or other administrative change (such as change of address details or references to Guidance) will be effected by officers of the Licensing and Public Protection Committee and tracked by way of version control.'*

*Amendments or reviews of the Policy itself must be approved by City Council.'*

12. This is to ensure the Policy document is able to be updated as soon as is reasonably possible should any technical amendments become necessary. Examples of when this may be appropriate would be, should the Home Office issue revised Guidance under s182 of the Licensing Act 2003; should any licensable activity be removed from scope or should any contact details for Responsible Authorities change. No matters of Policy will be altered in this way.
13. It is proposed these amendments will take effect 1<sup>st</sup> January 2017.

### **MOTION**

That the City Council approves the revised Statement of Licensing Policy and authorises:-

- (i) the Interim City Solicitor to update the list of Policy Framework Plans to include the same; and
- (ii) the Director of Regulation and Enforcement to do what is necessary to publish and comply with the same.



## **BIRMINGHAM CITY COUNCIL**

### **STATEMENT OF LICENSING POLICY 2015**

Birmingham City Council ("the Council") is required to publish this Statement of Licensing Policy ("Policy") under the Licensing Act 2003 ("the Act").

#### **Legal Background**

Section 5 of the Act requires each Licensing Authority to publish, every five years, a Statement of its Licensing Policy.

This Policy is the Council's Statement of Licensing Policy which will come into force on 1<sup>st</sup> January 2017 and will be reviewed, updated and modified as and when the Council considers appropriate.

Technical amendments to correct errors brought about by legislative or other administrative change (such as change of address details or references to Guidance) will be effected by officers of the Licensing and Public Protection Committee and tracked by way of version control.

Amendments or reviews of the Policy itself must be approved by City Council.

#### **Version control**

Version	Date	Effective Date	Reason	Summary
1.0	July 2015	July 2015	Full review ( City Council)	Fully Revised Policy
1.1	Dec 2016	01.01.2017	Substantive change (City Council)	Additional Cumulative Impact Areas Revised Responsible Authority Details

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## 1. **Licensing Act 2003 Guidance**

- 1.1. In accordance with Section 182 of the Act the Secretary of State has produced Amended Guidance for Licensing Authorities (the Council) regarding the discharge of their functions. This guidance is regularly reviewed and updated. For the most recent version, go to [www.gov.uk](http://www.gov.uk).
- 1.2. No part of the Act compels the Licensing Authority to follow the guidance explicitly. The Council may and will depart from the Guidance and this policy where it is deemed appropriate to promote one or all of the licensing objectives.

## 2. **Scope**

- 2.1 This Policy relates to those licensable activities identified by the Act, which are:
- The sale of alcohol by retail.
  - The supply of alcohol to club members and their guests.
  - The provision of regulated entertainment. "Regulated entertainment" is defined as any of the following which take place in the presence of an audience for the entertainment of that audience and are provided for members of the public or a section of the public or exclusively for the members of a qualifying club and/or their guests or for consideration and with a view to profit:
    - A performance of a play.
    - An exhibition of a film.
    - An indoor sporting event.
    - A Boxing or wrestling entertainment.
    - A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports")
    - A performance of dance.
    - A performance of live music.
    - Any playing of recorded music.
    - The provision of late night refreshment. (Late night refreshment is defined under the Act as the supply of hot food or drink to the public or a section of the public on or from any premises whether for consumption on or off the premises (mobile units included) between 11pm and 5am.)
- 2.2 There are certain exemptions from this definition which are set out in the Act, particularly in relation to plays, indoor sporting events and performances of dance. These exemptions are detailed within APPENDIX 1 to the Policy.

### **3. Background**

- 3.1 The Council has responsibility for granting licences for the sale by retail of alcohol, the supply of alcohol by or on behalf of a club or to the order of a member of the club, the provision of regulated entertainment and the provision of late night refreshment establishments (including late night takeaways) throughout its area.
- 3.2 Birmingham is the second city of the United Kingdom and this is reflected in the fact that the city has a thriving night time economy. The city has a multicultural population of 1,085,010 people (2011 Census data) and is part of the West Midlands Conurbation which, with a population of 2,440,986, is the largest conurbation in the United Kingdom after Greater London. Birmingham is a prominent entertainment destination for people living in the conurbation and many areas beyond.

### **4. Development Process**

- 4.1 This document has been developed by the Council in consultation with representatives of the following key stakeholder groups and organisations:
- West Midlands Police.
  - West Midlands Fire Service.
  - Bodies representing holders of premises licences, club premises licences and personal licences in the Council's area.
  - The Birmingham Magistrates Court Service.
  - Bodies representing local businesses.
  - Representatives of the Council's Planning, Environmental Health, and Trading Standards Services.
  - Trade Associations.
  - Independent licence holders.
  - Local residents.
  - Birmingham Safeguarding Children Board.
  - Members of the Council's Licensing and Gambling Forum.
  - Public Health
- 4.2 The views of the parties consulted have been given proper weighting.

## **5. Licensing Objectives**

5.1 This Policy has been developed with the licensing objectives, as stated in the Act, at its core, namely:

- **The prevention of crime and disorder.**
- **Public safety.**
- **The prevention of public nuisance.**
- **The protection of children from harm.**

5.2 Each of the licensing objectives is considered to be of equal importance for the purposes of this Policy.

5.3 Each application for the grant, variation or review of a licence will be considered and determined on its individual merits.

5.4 This Policy concerns the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to the licence or other authorisation issued under the Act will be focused on matters within the control of the licensee or other person who is granted the licence or authorisation and will be centred on and around the premises or place(s) being used for licensable activities and the vicinity of those premises and places.

## **6. Relationship with other Legislation**

6.1 The Council will avoid in so far as is possible duplication with other regulatory regimes and legislation. It will, in appropriate circumstances, attach conditions to premises licences and club premises certificates to the extent that they are appropriate for the promotion of the four licensing objectives but will not attach conditions where provision exists in other legislation, e.g. planning or health and safety legislation. However, it may be appropriate to attach specific conditions where legislation does not cover the unique circumstances that arise in connection with entertainment at specific premises.

6.2 This Policy takes into consideration the crime and disorder initiatives being implemented by the Council in partnership with other enforcement or regulatory agencies. The Council will strive to support these initiatives by implementing this Policy, which promotes and encourages a responsible approach to the sale of alcohol, late night refreshment and the provision of entertainment.

6.3 The Council maintains that its function as the Licensing Authority concerns the control of licensable activities, licensed premises and licence holders. The Council will attach such conditions to licences as are appropriate to promote the licensing objectives.

6.4 This Policy is concerned with individuals and behaviour on or in the vicinity of licensed premises and, therefore, within the control of the individual holding the relevant licence or authorisation. It is not a mechanism for the general

control of anti-social behaviour by individuals.

- 6.5 In implementing this Policy the Council will have regard to the provisions of the Human Rights Act 1998.

6.6 **Equality and Race Relations**

The Council recognises the right to freedom of speech and would not intervene in this matter, when discharging its licensing functions, unless to do so would be appropriate to promote one or all of the licensing objectives. Holders of premises, club or personal licences / certificates should be aware of the potential for some organisations to have an influence on or advocate illegal activity that would be in direct contradiction of the spirit of the licensing objectives.

- 6.7 The Council may, following representations from responsible authorities or other persons and based on evidence, seek to prohibit certain types of meetings or gatherings at licensed premises or clubs by attaching conditions in order to promote the licensing objectives, in particular the prevention of crime and disorder and the promotion of public safety.

6.8 **Licensing Hours**

The Council's view, having considered the Act and having had regard to the Guidance under section 182, is that that the Act neither promotes nor discourages extended licensing hours. For that reason the Council will approach each application on its own individual merits having regard to the representations received, the Guidance and this policy, and with the aim of properly promoting the licensing objectives, which it recognises are paramount considerations. The Council will not apply core hours to any area of the city.

- 6.9 Shops and supermarkets will normally be free to provide sales of alcohol for consumption off the premises at any times when they are open for shopping unless the Council has good reasons for restricting those hours such as where there have been Police representations in the case of shops known to be a focus of crime, disorder and/or disturbance. The Council may consider any other matter that it considers relevant to the promotion of the licensing objectives.

6.10 **Licensing and Planning**

The Council is of the view that the Licensing Authority is not bound by decisions made by the Planning Authority and vice versa. While the two authorities consider different (albeit related) matters, the Licensing Authority must ensure it addresses only the licensing objectives to ensure that any hearing does not in effect become a re-run of any planning hearing.

- 6.11 There may be occasions when licensing hours are different from hours granted by the Planning Authority, or vice versa. In such situations the licence holder must observe the earlier closing time. The responsibility for enforcement will rest with whichever body within the Council granted the earlier terminal hour.

6.12 The Licensing Authority of the Council will ensure that there is proper integration with the Planning Authority by providing it with regular reports on the situation regarding licensed premises in the area. This will include the general impact of alcohol related crime and disorder and the impact of public nuisance caused by licensed premises.

6.13 Paragraph 9.44 of the Amended Guidance states:  
“Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs. “

6.14 **Integrating Strategies**

The Council recognises that a minority of consumers will behave badly and unlawfully once away from licensed premises. The Council cannot as part of its licensing function address issues relating to the behaviour of individuals or groups once they are away from licensed premises, although it can address issues within the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. The Council also recognises that initiatives are available that assist with calming or reducing the incidence of disorder and would expect these to be addressed in the operating schedule. Measures outside of the Council’s licensing functions available for addressing behavioural issues include:

- Planning controls.
- Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other services provided by the Local Authority.
- Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

6.15 The Council will secure the integration of its licensing function with other local strategies by supporting partnership working with other agencies and Council services and by establishing best working practice utilising some of the initiatives available to the Licensing Service and Licensing and Public Protection Committee such as.

- The continued use of designated alcohol restricted areas (Designated Public Place Orders).
- Sharing information.
- Targeting premises in areas where nuisance, breaches of conditions and contraventions of legislation occur.

- Promoting the Challenge 25 proof of age scheme or recognised equivalent.
- Restricting hours of operation of licences, where appropriate, in areas where alcohol fuelled disorder or nuisance is prevalent ( EMRO).
- Assisting in the establishment of an information monitoring system, with the Police, in order to identify premises that are disregarding their responsibilities. This will assist in collating information in order to identify premises where arrested or detained persons last purchased alcohol or the premises they were allowed to purchase alcohol to a state of inebriation.
- Adopting a multi-agency approach to announced and unannounced inspections and visits to those premises defined as being high risk or through intelligence led action.
- Continuing to promote the setting up and use of safe places for transport. Liaison with transport agencies to improve signage, lighting and awareness of availability. The use of stewards/marshals at regular pick up points to assist with order and prevent disputes will continue to be supported.

## 6.16 **Public Health**

- 6.16.1 The Council recognises the impact of alcohol misuse in Birmingham. It is hoped that through the implementation of this Licensing Policy the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol misuse in the city and reducing harmful and hazardous drinking, and will be a vehicle for addressing the wider and social determinants of health especially children's safeguarding . It will also have a positive effect on pricing, the promotion of treatment services; including screening and advice, marketing controls, availability controls, legal drinking age enforcement, reinforcing drink driving laws and server liability. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems.
- 6.16.2 The inclusion of off-licence premises within cumulative impact zones will reduce the opportunity for pre-loading, access to cheap alcohol and super strength, on-street drinking, especially in underage and vulnerable groups. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse, which is an issue for any city.
- 6.16.3 Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels, especially the enforcement of no sales to the intoxicated. However, it is recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function under the Act to promote the Licensing Objectives.

## 7. **Enforcement Protocol**

- 7.1 The City Council has developed a protocol for enforcement and will continue partnership working with other enforcement agencies to promote a consistent approach between them. The protocol will encompass a strategy of targeting



high-risk premises and will ensure intelligence led policing and regulation. The protocol will actively promote inspections of licensed premises which have been found, following risk assessment, to be problematic or high risk.

- 7.2 The Council will actively seek to advise the licensees or managers of those premises who wish to comply with legislation and conditions; however, the Council will take a firm stand against irresponsible licensees who do not comply.
- 7.3 The Council, the Police and other responsible bodies will share information about licensees, licensed premises and activities associated with them. Such information sharing is permitted under Section 185 of the Act. Further open access to data will be given to those Police Officers and Licensing Authority Officers discharging their functions under this Act.
- 7.4 The Council and the Police will work closely in order to ensure consistency, transparency and proportionality in their enforcement activities. The Council will continue to investigate complaints and conduct proactive enforcement exercises to ensure that licences and the conditions attached to them are complied with and that unlicensed activity is dealt with as appropriate to ensure the highest standards of licensees and premises in the City of Birmingham.
- 7.5 Closure notices can be issued by a Police officer of the rank of Inspector or above in relation to crime and disorder.
- 7.6 The Council's Licensing Enforcement team is authorised to act as the Responsible Authority on behalf of the Licensing Authority which includes responsibility for considering applications for new /varied authorisations or for licence reviews.

## 8. **The Licence Process**

- 8.1 Further guidance for applicants for a licence or other authorisation under the Act and details about the application and licensing process can be obtained from; the Licensing Service website at [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing) on 0121 303 9896 or via [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)
- 8.2 The Policy of the Council will be to:
- promote the four licensing objectives;
  - ensure that the premises are appropriate for their proposed use;
  - ensure the premises layout and condition is acceptable for the proposed use; and
  - ensure that the premises are being managed responsibly.

## 8.3 **Operating Schedule**

All applicants for the grant or variation of a **premises licence or club premises certificate** are required to provide an operating schedule as part of their application. The operating schedule will be in a prescribed form and must include a statement of the following:

- Full details of the licensable activities to be carried on at and the intended use of the premises.
  - The times during which the licensable activities will take place.
  - Any other times when the premises are to be open to the public.
  - Where the licence is only required for a limited period, that period.
  - Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.
  - Whether alcohol will be supplied for consumption on or off the premises or both.
  - The steps which the applicant proposes to promote the licensing objectives. (examples of which can be found within paragraphs 18 to 21 of this Policy)
- 8.4 Any steps proposed by an applicant, and the extent to which they apply will depend on the individual premises, the proposed events /activities and the characteristics of the premises, the surrounding area, and to an extent, the history of the premises or applicant.
- 8.5 The Council's powers and duties as Licensing Authority are delegated by the Council to its Licensing and Public Protection Committee, Licensing Sub-Committees and officers. The Council approaches these delegations in accordance with APPENDIX 2 to this Policy.
- 8.6 Every application received whether for the issue of a personal or premises licence will be treated fairly and will be considered on its own merits. If no relevant representations are received then the licence will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory under the Act or are consistent with the operating schedule accompanying the application.
- 8.7 **Representations**  
Where relevant representations are made regarding a particular application for the grant, variation or review of a premises licence the Council will consider the likely impact that the proposed use of the premises will have on promotion of the licensing objectives.
- 8.8 Representations which are made outside of the period prescribed by the Secretary of State or are, in the Council's opinion, frivolous or vexatious will not be considered by the Council as relevant representations.
- 8.9 Where relevant representations are made, a hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee (as appropriate) and the application will be determined once the application and representations have been considered.
- 8.10 The Council will determine the application using and considering supporting evidence from the applicant and any parties who have made representations.

8.11 Any decision of the Council will be relayed to the applicant as soon as is practicable and in writing.

8.12 **People or organisations that can make representations**

Any responsible authority and/or other person is entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates or the grant of a provisional statement, regardless of their geographic proximity to the premises, and to make applications for the review of such authorisations.

**“Other person”** is defined as any individual, body or business including a member of the relevant licensing authority

**“Responsible authority”** is defined as:

- a) The Chief Officer of Police within which the premises are situated;
- b) the Fire Authority within which the premises are situated;
- c) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 in which the premises are situated;
- d) the local Planning Authority within which the premises are situated;
- e) the Local Authority for which statutory functions are exercisable in relation to minimising or reducing the risk of pollution to the environment or harm to human health in which the premises are situated;
- f) a body which:
  - (i) represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and
  - (ii) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;
- g) any Licensing Authority (other than the Council) in whose area part of the premises is situated;
- h) in relation to a vessel:
  - (i) a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be navigated at a time when it is used for licensable activities;
  - (ii) the Environment Agency;
  - (iii) the British Waterways Board;
  - (iv) the Secretary of State; or
  - (v) a person prescribed for the purposes of this subsection.
- i) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,
- j) the relevant licensing authority and other licensing authority in whose area part of the premises is situated

[LA2003 13(4) (as amended)]

**8.13 Making Representations:**

Representations may be made in relation to the following applications:

- Grant of Premises Licence
- Grant of Club Premises Certificate
- Variation of Premises Licence
- Variation of Club Premises Certificate
- Minor Variation of Premises Licence
- Minor Variation of Club Premises Certificate

8.14 Representations are not limited to objections to licence applications but may also be made in support of applications. They will still be governed by the same rules as for objections.

8.15 Representations will not be accepted if they are deemed by officers to be frivolous or vexatious.

8.16 Representations may not be made anonymously. If a person believes there are exceptional circumstances relating to the disclosure of their identity, they are advised to contact the Licensing Service for advice.

**8.17 Petitions**

The petition must meet the following minimum requirements:

- It must be clear to which premises/application the petition relates.
- The petition must relate to one or more of the licensing objectives.
- Each page must include information as to the purpose of the petition (so it is clear signatories were aware what they were signing.)
- Full Names and addresses must be supplied, in a legible manner.
- It should be made clear to all signatories that a copy of the petition, containing their details will be passed to the applicant and contained within the Committee papers, which, in the event of a hearing become public documents.
- The first named respondent is taken to be the instigator of the petition, and will be used as the point of contact in terms of any queries about the petition.
- The first named respondent will be expected to represent the signatories at a hearing and to communicate any information to other signatories as appropriate – the Council will NOT contact each signatory as if they were making individual representations.
- The Council reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate.
- Petitions regarding Licensing Act 2003 applications MUST be submitted in accordance with the existing rules for licence representations, to the offices of the Licensing Service in Aston, (contrary to the City Council's guidance relating to petitions of any other kind). They should NOT be sent to individual officers.

- Petitions submitted to an Elected Member or via City Council Meeting are conferred no advantage, and risk unnecessary delay of submission.

8.18 A petition must be submitted in good faith. **You must not include:**

- potentially libellous, false or defamatory statements
- matters which are subject to prescribed statutory requirements
- information protected by a court order (e.g. the identities of children in custody disputes); or in accordance with any other enactment
- matters which are subject to appeal processes or legal actions (e.g. planning appeals, enforcement action or other legal actions in court etc)
- material which is commercially sensitive, confidential or which may cause personal distress or loss
- the names of individual officials of public bodies
- the names of individuals, or information where they may be easily identified, in relation to criminal accusations
- anything which would incite racial hatred or violence

8.19 Where it is reasonably anticipated that the expression of such beliefs, views, policies or objectives might be unlawful, the Council reserves the right to prevent by any means those views/beliefs from being expressed either on its premises or by using Council resources.

8.20 **Anyone contemplating drawing up a petition either in support of or objection to a licence application is strongly advised to contact the Licensing Service for advice on the format before obtaining signatures.**

8.21 **Provisional Statements.**

An application for a **provisional statement** shall be considered, subject to the provisions of the Act.

**9. Licence Reviews**

- 9.1 The Council may review a licence on the application of any responsible authority or other person.
- 9.2 The Licensing Authority can refuse to review licences if it considers that the representations are not relevant to any of the licensing objectives or, in the case of a representation made by an other person, that the representation is frivolous, vexatious or a repetition of a representation already made at the time of the licence application or previous application for review.
- 9.3 The outcome of a review may be no action, warnings regarding future conduct, additional conditions or the modification, suspension for a period not exceeding 3 months or revocation of the licence, the exclusion of a licensable activity from the scope of the licence, the removal of the designated premises supervisor.
- 9.4 **Summary (Expedited) Licence Reviews.**  
The Summary Review procedure was effected by Section 53A-C of the Licensing Act 2003 inserted by section 21 of the Violent Crime Reduction Act 2006, which allows a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 9.5 **Interim Steps:**  
The Licensing Sub Committee shall determine, by email, telephone (or in such other manner as may be deemed appropriate by the Committee Services Manager or by the Solicitor to the Council), whether it is necessary to take interim steps pending determination of the premises licence the subject of an application and a certificate issued by a Senior Police Officer stating that in his/her opinion named premises are associated with serious crime or serious disorder (or both) (the requirements of the Local Government Act 1972 concerning the giving of notice of meetings will not apply).
- 9.6 Following a determination of interim steps, the licence will be subject to review, which will be heard in the usual manner.

10. **Open Space Premises Licences**

The Council has applied for and been granted a number of premises licences for public spaces, such as parks and other municipal areas, within the city. Performers and entertainers who wish to give performances in such places may seek the permission of the Council, as licence holder, to do so. Such permission should be sought at least 3 months in advance of the event as the applicant will in most cases be required to participate in a Safety Advisory Group (SAG) before the Council approves the event.

11. **Vicinity**

The Council has chosen not to define vicinity as a fixed distance in relation to any premises. Instead its approach will be to consider each matter individually, taking into account whether any individual's residence or business is likely to be directly affected by activities which occur on the premises or immediately outside it. The key consideration is the impact of issues on the licensing objectives.

12. **Temporary Event Notices**

12.1 **Standard TENS**

It is recommended that an applicant for a temporary event notice should give at least 28 days prior notice of their intended event and that at the same time of submitting their application to the Council they serve notice to the Police and Environmental Health. Section 100 of the Act stipulates a period of at least 10 working days, prior to the event for an application to be submitted. The Council agrees with the Guidance that 10 working days notice means 10 working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

12.2 There are strict limits on the number of TENS which can be submitted. Once these limits have been reached, the Council will issue a counter notice (permitted limits) if any more are given.

12.3 In the event of a valid objection to a Standard TEN, a sub-committee hearing will be held to determine the notice. Further guidance is available online.

12.4 **Late TENS**

Late TENS can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Council, must also be sent by the premises user to the police and environmental health. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. There are strict limits on the number of Late TENS which can be submitted. Once these limits have been reached, the Council will issue a counter notice (permitted limits) if any more are given.

12.5 In the event of a valid objection to a Late TEN, there will be no hearing. A counter notice will be issued. This is in accordance with the legislative requirements. Further guidance is available online

12.6 Notwithstanding the mandatory notifications already included within the

legislation, the Council highly recommend that anyone contemplating putting on an event should contact West Midlands Fire and Rescue Service for advice relating to matters concerning fire safety.

**13. Personal Licences**

- 13.1 All applicants for the grant of a **personal licence** will be required to undertake a criminal record check. Where a criminal record check discloses an unspent relevant conviction (see schedule 4 of the Licensing Act 2003) and the Police object to the application on crime prevention grounds the Licensing and Public Protection Committee or Sub-Committee shall normally refuse such an application unless there are exceptional and compelling circumstances to justify the granting of a licence.
- 13.2 If there have been Police representations in relation to the individual specified in the application for a premises licence, club premises certificate or authorisation as the designated premises supervisor then the Council may consider any factors relating to that individual which would undermine the licensing objective relating to the prevention of crime and disorder. This could include the previous character of the individual, the individual's experience and training and their ability to monitor the premises at all times when they are open.



## **14. Cumulative Impact**

- 14.1 The cumulative impact of licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people, and thereby creating exceptional problems of crime, disorder and nuisance over and above the impact from the individual premises themselves.
- 14.2 The Council may adopt a special policy regarding cumulative impact where it considers that a significant concentration of licensed premises will or is having an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting such a special policy reference shall be made to the steps outlined in the s182 Guidance.
- 14.3 The effect of a special policy is to create a rebuttable presumption that applications for new licences/certificates or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.
- 14.4 The Council recognises that any special policy regarding cumulative impact is not absolute and where licences will not add to the cumulative impact, or where no relevant representations have been received, the licence will be granted.
- 14.5 A special policy regarding cumulative impact will not be used to attempt to revoke an existing licence or certificate. When representations are made about the way a premises is being operated then they would be considered and determined in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application to vary a licence or certificate. The Council recognises the difference between cumulative impact and the commercial needs of premises in an area. Need and market forces are not matters for the Council to consider as part of its licensing function.
- 14.6 The Council will not operate a quota of any description. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community.

## **14.7 Birmingham City Council's Special Policies**

- 14.8 The Council has decided to adopt special policies for some areas of the city. In each of these areas the Council and the Police have adopted special measures to deal with crime and disorder and anti-social behaviour. Measures have included additional Police manpower, particularly at weekends, the introduction of CCTV along with camera operatives, pub watch organisations involving licence holders being encouraged to improve working relationships and to reduce competitive pricing, drinks promotions and happy hours. These areas are listed in the attached appendices 3 to 5.

- 14.9 For any application in these areas the Council will expect the applicant to demonstrate the steps it will take to promote the licensing objectives. Where relevant representations are made the Council will consider the application on its individual merits and decide whether to apply the special policy. Where it is of the view that the application is unlikely to add to the cumulative impact on the licensing objectives the application will be granted.
- 14.10 Where no relevant representations are received, there is a presumption that any application received will be granted. This presumption remains, even in an area of special policy.
- 14.11 The special policies will be subject to review on a regular basis.
- 14.12 If evidence exists and the Police are supportive of such an application, new Special Policy areas of the City may be considered.

## **15. Early Morning Restriction Orders**

- 15.1 The ability to implement an Early Morning Restriction Order or 'EMRO' is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011 ("the 2011 Act"), which enables licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between midnight and 6am on all or some days. Licensing authorities are able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. It should be noted that the restriction would only relate to alcohol and will have no effect on regulated entertainment.
- 15.2 The Council has no plan to implement any EMROs at the time of writing this policy.
- 15.3 Any decision to implement an EMRO would be made by the Licensing and Public Protection Committee.

## **16. Late night levy**

- 16.1 The power to implement a late night levy is also within the 2011 Act. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 16.2 Any levy would have to apply to the entire Local Authority area.
- 16.3 The Council has no plan to implement a Late Night Levy at the time of writing this policy.
- 16.4 Any decision to implement a late night levy would require consultation with the Police and Crime Commissioner and Chief Officer of Police, as well as much broader consultation. Such a decision would be made by the Full Council.

17. **Conditions of Licence**

- 17.1 The Council will endeavour to tailor conditions to the premises concerned and there is also a pool of model licensing conditions that may, in appropriate circumstances, be attached to a licence or certificate depending upon the individual styles and characteristics of the premises and events concerned. This pool of conditions will be utilised to apply appropriate and proportionate conditions in particular circumstances. The pool of conditions is not an exhaustive list and the Council may attach any conditions that are appropriate for the promotion of the licensing objectives.
- 17.2 The Council will not impose standardised conditions on any licence or certificate other than those prescribed by law (Mandatory Conditions).

## **18. The Prevention of Crime and Disorder**

18.1 It should be noted in particular that it is unlawful under the 2003 Act:

- to sell or supply alcohol to a person who is drunk;
- to knowingly allow disorderly conduct on licensed premises;
- for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported;
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are, therefore, unnecessary.

### **18.2 General**

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when the Licensing Authority are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if appropriate, would promote the prevention of crime and disorder.

18.3 Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

18.4 Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

18.5 Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance.

18.6 Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step they intend to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition they become enforceable under the law and a breach of such a condition could give rise to prosecution.

## **18.7 Drinks and Irresponsible promotions**

18.7.1 Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks.

18.7.2 Licence holders should undertake all reasonable steps to ensure staff do not engage in, arrange or participate in irresponsible drinks promotions.

18.7.3 Mandatory conditions now apply to irresponsible promotions that includes: drinking games, large quantities of alcohol for a fixed price, posters and flyers that encourage anti-social behaviour or glamorise this sort of activity and if there is a significant risk that these do not promote the licensing objectives.

## **18.8 Text pagers**

18.8.1 Text and radio pagers connecting premises licence holders, designated premises supervisors managers of premises clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers and staff on the premises.

18.8.2 Such pagers provide two-way communication both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the Police and enabling the Police to warn those operating a large number of other premises of potential troublemakers or individuals suspected of criminal behaviour that are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and club employees to warn each other of the presence of such people in an area.

## **18.9 Door supervisors**

18.9.1 Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

18.9.2 Where door supervisors are conducting security activities there will be a condition attached which means that they would have to be registered with the Security Industry Authority.

18.9.3 Conditions may also be needed to deal with the number of door supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

18.9.4 Door supervisors also have a role to play in ensuring public safety.

#### 18.10 **Bottle bans**

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, responsible authorities and licensing authorities should note that many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of bottled drinks with drugs because the opening to a bottle can be more readily covered. These issues, therefore, need to be carefully balanced.

#### 18.11 **Plastic containers and toughened glass**

18.11.1 Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass during the televising of live sporting events such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

18.11.2 It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

#### 18.12 **CCTV**

18.12.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. Conditions should not just consider a requirement to have CCTV on the premises but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

18.12.2 The Police may provide advice on the use of CCTV to prevent crime to those individuals conducting risk assessments when preparing operating schedules.

#### 18.13 **Open containers not to be taken from the premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

#### 18.14 **Restrictions on Drinking Areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the Police consider it necessary

to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas but indicate the circumstances in which the ban would apply and times at which it should be enforced.

**18.15 Capacity limits**

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

**18.16 Wind-Down Policies**

Consideration of implementing a period of lower volume, lower tempo music before closing to facilitate customers leaving in a calmer, quieter manner.

**18.17 Large Capacity Venues for “Vertical” consumption of alcohol HVVDs**

18.17.1 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs) are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

18.17.2 It may be necessary to attach conditions to licences for these premises which require adherence to a prescribed capacity, an appropriate ratio of tables and chairs to customers based on capacity and the presence of security staff to control entry for the purposes of compliance with the capacity limit.

**18.18 Crime prevention notices**

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

**18.19 Signage**

18.19.1 It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

18.19.2 Similarly, it may be necessary for any restrictions on the admission of

children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.



## **19. PUBLIC SAFETY**

19.1 The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks from fire, and take measures necessary to avoid and control them.

19.2 Conditions enforcing these requirements are, therefore, unnecessary.

19.3 From 1 October 2006, the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under Article 43 of the Order, any conditions imposed by the Licensing Authority that relate to any of the requirements or prohibitions that are, or could be, imposed by the Order have no effect.

### **19.4 General**

19.4.1 In addition, to considering the points made in this section, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (Entertainment Technology Press – ABTT Publications) ISBN 1 904031 11 0.
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6.
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X.
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804.
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2.
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.

19.4.2 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

### **19.5 Disabled people**

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

## 19.6 **Escape routes**

19.6.1 It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

19.6.2 In certain premises where existing legislation does not provide adequately for the safety of the public consideration might also be given to conditions that ensure that:

- All exits doors are easily openable without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any security fastenings are removed prior to the premises being open to the public; and
- the edges of the treads of steps and stairways are maintained so as to be conspicuous.

## 19.7 **Safety checks**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

## 19.8 **Curtains, hangings, decorations and upholstery**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits; and
- Temporary decorations are not used without the consent of the Licensing Authority.

## 19.9 **Accommodation limits**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not

exceeded; and

- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

#### 19.10 **Access for emergency vehicles**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

#### 19.11 **First aid**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

#### 19.12 **Lighting**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Emergency lighting is not altered.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged;
- and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

#### 19.13 **Temporary electrical installations**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work and/or prior to inspection by a suitably qualified electrician.

- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or, where applicable, BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

#### 19.14 **Indoor Sports Entertainments**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved it is constructed and supported by a competent authority.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

#### 19.15 **Special Effects**

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

#### 19.16 **Alterations to the Premises**

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises.

#### 19.17 **Theatres and Cinemas (Promotion of Public Safety)**

In addition to the points made in the above there are particular matters in the context of public safety which should be considered in connection with theatres and cinemas.

### **19.17.1 Premises used for Closely Seated Audiences**

#### **19.17.2 Attendants**

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members in the audience present on a floor	Minimum No. of attendants required to be present on a floor
1 to 100	1
101 to 250	2
251 to 500	3
501 to 750	4
751 to 1000	5

And one additional attendant for each additional 250 persons (or part thereof).

- (b) Attendants shall not be engaged in any duties that would prevent them from promptly discharging their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

#### **19.17.3 Standing and Sitting in Gangways etc**

19.17.4 Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

19.17.5 Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

19.17.6 In no circumstances shall anyone be permitted to:

- (i) sit in any gangway;
- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

#### **19.17.7 Drinks**

Except as authorised, by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in

plastic and paper containers.

#### 19.17.8 **Balcony Fronts**

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

#### 19.17.9 **Special effects**

19.17.10 Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

19.17.11 Specials effects include:

- Dry ice machines and cryogenic fog.
- Smoke machines and fog generators.
- Pyrotechnics, including fireworks.
- Real flame.
- Firearms.
- Motor vehicles.
- Strobe lighting.
- Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products).
- Explosives and highly flammable substances.

19.17.12 In certain circumstances it may be necessary to require that certain special effects are only used with the prior consent of the Licensing Authority. In these cases the Licensing Authority should notify the Fire and Rescue Authority who will exercise their powers under the Regulatory Reform (Fire Safety) Order 2005.

#### 19.17.13 **Ceilings**

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection is necessary and a certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

#### 19.17.14 **Seating**

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

### 19.18 **Premises used for Film Exhibitions**

#### 19.18.1 **Attendants - premises without a staff alerting system**

Where the premises are not equipped with a staff alerting system the number of attendants present should be as follows:

- Number of members of the audience present on the premises 1 to 250, minimum number of attendants required to be on duty 2.
- And one additional attendant for each additional 250 members of the audience present (or part thereof).

- Where there are more than 150 members of an audience in any auditorium or on any floor at least one attendant shall be present in any auditorium or on any floor

#### 19.18.2 **Attendants – with a staff alerting system**

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members in the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 to 500	2	1
501 to 1000	3	2
1001 to 1500	4	4
1501 or more	5 (plus 1 per additional 500 [or part thereof] persons over 2000 on the premises)	5 (plus 1 per additional 500 [or part thereof] persons over 2000 on the premises)

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- the holder of the premises licence or the manager on duty at the premises; or
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he/she is required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

#### 19.18.3 **Minimum Lighting**

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

## **20. The Prevention of Public Nuisance**

20.1 It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior Police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

### **20.2 General**

20.2.1 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a Responsible Authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

20.2.2 Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

20.2.3 Appropriate conditions for licences and certificates will also depend on local knowledge of the premises.

### **20.3 Noise**

20.3.1 Where relevant representations are received the Council may have regard to nuisance caused by noise from licensed premises or noise attributable to it and may require prevention measures to be implemented by licence and certificate holders. Details of these measures must be highlighted as part of the operating schedule accompanying the application. The Council may consider the direct impact of a premises licence or club premises certificate on those persons living or working in the area concerned. The Council may require stricter conditions in areas which are primarily of a residential nature.

20.3.2 The Council also recognises that Birmingham is a diverse city containing many areas of mixed use where residents live alongside commercial and entertainment developments. The Council expects applications in such areas to properly address noise control and may impose stricter conditions where there is a dense residential population in close proximity to the premises.

20.3.3 The Council may limit opening hours or restrict licensable activities if appropriate in relation to noise nuisance, but will not do so without regard to the individual merits of any application.

20.3.4 Applicants are expected to consider measures which could be implemented in



order to mitigate or remove any potential nuisance from their premises. Examples include:

- ensuring noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- undertaking routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if appropriate);
- Prominent, clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- Restrictions on the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas.
- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

#### 20.4 **Noxious smells**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

#### 20.5 **Light pollution**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places

## 20.6 **Hours**

20.6.1 The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance.

But this must be balanced by the potential impact on disorder which results from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

20.6.2 Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example the playing of recorded music after a certain time might be prohibited even though other licensable activities are permitted to continue.

20.6.3 Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example while the provision of regulated entertainment might be permitted while the premises is open to the public, or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

## 20.7 **Fly posting and Promotional Material**

20.7.1 As a leading entertainment centre Birmingham often faces the widespread problem of illegal or nuisance fly posting, and littering from promotional material. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

20.7.2 Existing legislation seeks to address this problem, however, it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting which occurs.

20.7.3 The Council expects responsible licence holders to ensure the licensing objectives are properly promoted when advertising regulated entertainment at their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or ~~result in criminal offences~~ give rise to crime and disorder.

20.7.4 Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material: and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged.

20.8 **Live Music, Dancing and Theatre**

The Council recognises that proper account must be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods must be carefully balanced with these wider benefits.

## **21. The Protection of Children From Harm**

- 21.1 It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.
- 21.2 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.
- 21.3 Conditions duplicating these provisions are, therefore, unnecessary.
- 21.4 Applicants for a premises licence will be expected to set out in the operating schedule accompanying their application a statement of the measures that they will take to protect children from harm.

These measures should include:

- Arrangements to prevent children from acquiring or consuming alcohol;
  - Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol;
  - Steps to prevent children from being exposed to drugs, drug taking or drug dealing; Arrangements to prevent children from being exposed to gambling;
  - Steps to prevent children from being exposed to entertainment of an adult or sexual nature; Steps to prevent children from being exposed to incidents of violence or disorder;
  - Measures to prevent children from being exposed to environmental pollution such as excessive noise;
  - Measures to prevent children from being exposed to special hazards such as falls from height; Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
  - Restrictions on the access by children to the whole or any part of the premises, including times when children may not be present;
  - Means for ensuring that nominated persons supervising children are suitable. To include training in supervising adults in safeguarding principles and where necessary disclosure from the Disclosure and Barring Service.
- 21.5 The Council will not impose any condition which requires licensed premises to allow access by children.
- 21.6 The Council will not limit or exclude access of children to any premises unless it considers it necessary to do so for the prevention of harm to them. Where the Council determines that there is a risk of harm to children in relation to particular premises it may exclude or limit the access of children to the

premises at specific times, or when certain activities are taking place, or may attach to the licence a condition that children/young persons must be accompanied by an adult.

21.7 Issues of concern may include:

- where the entertainment or services provided on the premises are commonly of an adult or sexual nature;
- where any member of the current staff at the premises has been convicted for serving alcohol to a minor or where there is a reputation for selling alcohol to underage drinkers; or
- where there is a strong element of gambling on the premises or the premises has a known association or involvement with taking or dealing drugs.
- For any premises with known associations (having been presented with evidence at a hearing) with heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
  - explain their reasons; and
  - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
  - explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.

21.8 In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to premises.

21.9 An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm

21.10 The Council may, in appropriate circumstances, attach conditions to a licence in order to control entertainment specifically aimed at children or otherwise to ensure adequate supervision by adult staff. It may also set requirements

regarding the appropriate number of adult staff to be present at the premises based on the number of children present.

- 21.11 The Council encourages licence holders and operators of licensed premises:
- (1) To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
  - (2) To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

## 21.12 **Children in performances**

21.12.1 There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968, as amended, set out requirements for children performing in a show.

21.12.2 However, if it is necessary to consider imposing conditions in addition to these requirements for the promotion of the protection of children from harm then the matters outlined below should be considered:

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Special effects** – it may be inappropriate to use certain special effects including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

## 21.13 **Films**

The Council will expect those premises exhibiting films to include in the operating schedule accompanying their application for a licence, details of the measures they propose to stop children who are under age from viewing age-restricted films which are classified by the British Board of Film Classification or by the Council itself.

## 21.14 **Adult Entertainment**

21.14.1 Where regulated entertainment provided on premises is commonly of an adult or sexual nature the Council may, where relevant representations are received, give appropriate consideration to whether to grant a premises licence when the premises are in the vicinity of:

- Residential Housing.
- Schools.
- Play Areas.
- Children's Nurseries or preschool facilities.
- Places of Religious Worship or Education.
- Historic Buildings.
- Tourist Attractions.
- Predominantly Family Shopping Areas.
- Community Facilities or Public Buildings e.g. youth clubs, libraries & sports centres.

21.14.2 In so far as it relates to the licensing objectives, and taking into account location, the Council may determine the nature of any external signage for premises providing adult entertainment. The Council will also expect that the entertainment occurring on the premises should only be visible to those who have chosen to go inside, regardless of the location.

21.14.3 The Council is especially concerned that premises providing adult entertainment promote the protection of children from harm objective and will expect operating schedules to address this by adopting strict entrance policies, security measures and staff training and management policies to ensure that this and the other licensing objectives are promoted.

21.14.4 The Council has resolved to adopt schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, in relation to lap dancing and other sexual entertainment venues and the Licensing and Public Protection Committee will have regard to its own Sexual Entertainment Venue Policy, as and when an application is made to operate a venue of this kind.

#### **21.15 Sale of Alcohol to Children**

21.15.1 The Council considers that the sale of alcohol to children, or supply of alcohol in the case of a club, is a particularly serious offence.

21.15.2 There has been considerable research on the detrimental impact in areas where alcohol is accessed by children, in particular with regard to health, crime and disorder and anti-social behaviour. The Council, therefore, expects all licence holders to set out in their operating schedules the measures and management controls in place to prevent alcohol being sold or served to children (other than in the limited circumstances permitted under the Act) and to demonstrate all reasonable precautions and due diligence to prevent sales to under age persons whilst trading.

21.15.3 The Council considers that 'Challenge 25' policies, where the individual attempting to purchase alcohol must prove he/she is 18 or over if he/she appears to be under 25, are in many circumstances an effective way of preventing the sale of alcohol to children.

- 21.15.4 The Council expects licensed premises to embrace this initiative and premises licensed for the sale or supply of alcohol, particularly off-sales, to display prominent signage informing customers that it is an offence to sell or allow the sale of alcohol to children, to buy or attempt to buy it on a child's behalf, and for children to buy or attempt to buy it themselves.
- 21.15.5 Where the Council is required to review a licence due to the sale of alcohol to children the presumption will be for the licensee to demonstrate what systems were in place to try and prevent the situation arising.
- 21.15.6 If the Licensing Sub-Committee are not persuaded that appropriate, reasonable steps were taken by the licensee then the committee will take action to ensure the licensing objectives are promoted and may suspend or even revoke the licence of the premises licence holder or remove the designated premises supervisor.



## **22. List of Responsible Authorities:**

Applicants are required under the Act to send copies of their application to the following responsible authorities in the Birmingham area:

<b>Head of Licensing</b>	Licensing Service Crystal Court Aston Cross Business Village 50 Rocky Lane, Aston Birmingham, B6 9RQ <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a>
<b>Chief Inspector of Weights and Measures,</b>	Phoenix House, Valepits Road, Garretts Green, Birmingham, B33 0TD <a href="mailto:tradingstandards@birmingham.gov.uk">tradingstandards@birmingham.gov.uk</a>
<b>Environmental Health</b>	581 Tyburn Road Erdington Birmingham, B24 9RX <a href="mailto:pollution.team@birmingham.gov.uk">pollution.team@birmingham.gov.uk</a>
<b>West Midlands Police</b>	The Local Policing Unit within which the premises is located. See APPENDIX 8
<b>West Midlands Fire Service</b>	West Midlands Fire Service HQ 99 Vauxhall Road Nechells Birmingham, B7 4HW <a href="mailto:firesafety.admin@wmfs.net">firesafety.admin@wmfs.net</a>
<b>Planning Services</b>	Planning Control Division PO Box 28 1 Lancaster Circus Birmingham, B1 1TU <a href="mailto:planning.enquiries@birmingham.gov.uk">planning.enquiries@birmingham.gov.uk</a>
<b>Protection of Children From Harm</b>	
<b>Public Health</b>	Director of Public Health Birmingham City Council 10 Woodcock Street Birmingham, B7 4BH <a href="mailto:publichealth@birmingham.gov.uk">publichealth@birmingham.gov.uk</a>

**Deregulation of Schedule 1 Entertainment**

<b>Schedule 1 Category</b>	<b>Position</b>
Plays	Deregulated between 0800-2300 for audiences up to 500
Dance	Deregulated between 0800-2300 for audiences up to 500 (Except certain performance of an adult nature)
Indoor Sport	Deregulated between 0800-2300 for audiences up to 1000
Live Music	Licensing suspended for amplified live music between 0800-2300 in on-licensed premises and deregulated in workplaces for audiences up to 500 (raised from 200 in Live Music Act 2012) ( the Live Music Act 2012 already deregulated unamplified live music between 0800-2300 with no audience limitations)

These exemptions were created by virtue of the Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 further to those already implemented by the Live Music Act 2012.

Guidance on both enactments has been produced by the Department for Culture Media and Sport.

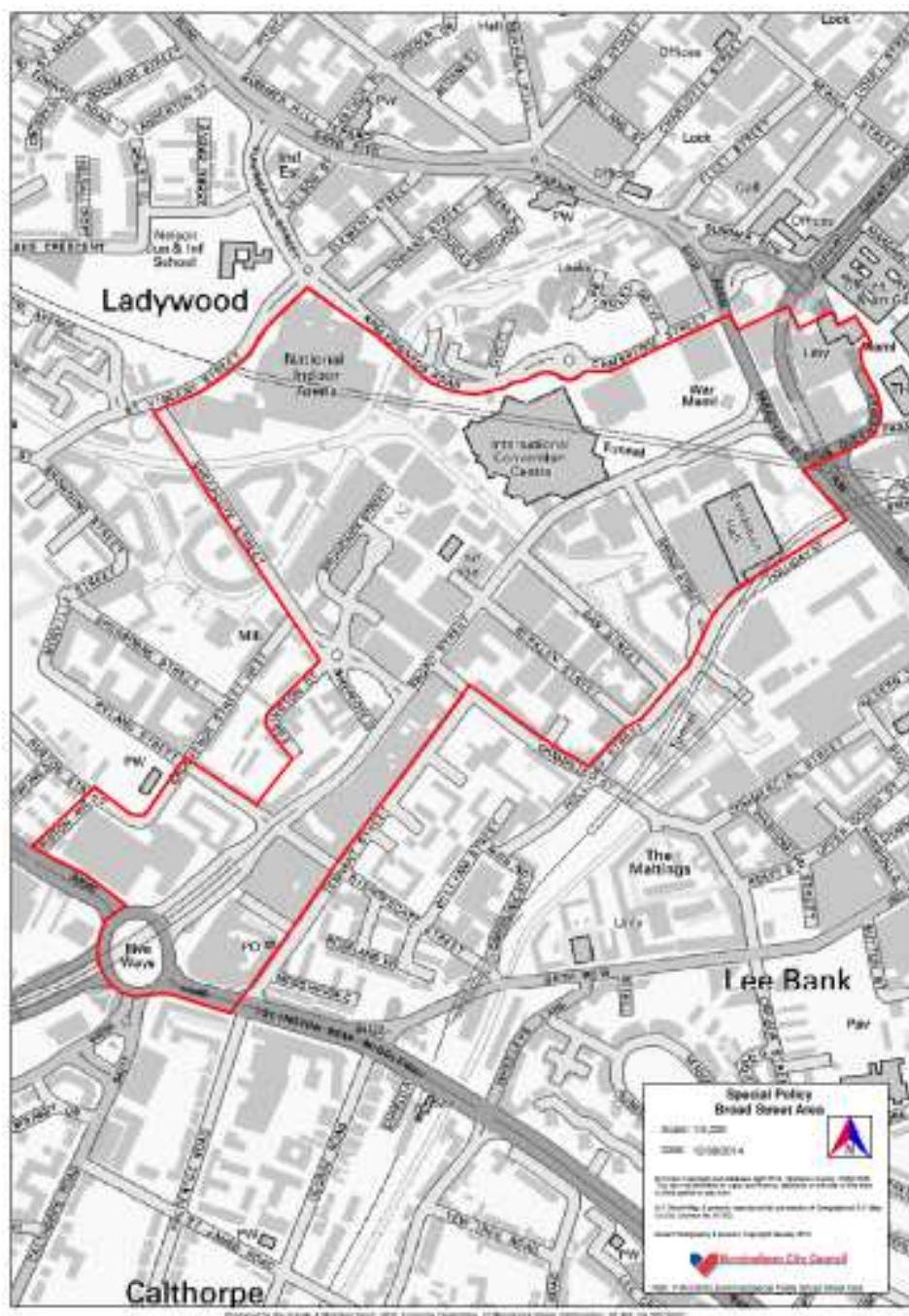
**DELEGATION OF FUNCTIONS REGARDING THE LICENSING ACT 2003**

<b>Subject</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence.	If a Police objection is made.	If no objection made.
Application for personal licence with relevant unspent convictions.	If a Police objection is made.	
Application for premises licence/ club premises certificate.	If a relevant representation is made.	If no relevant representations made.
Application for provisional statement.	If a relevant representation is made.	If no relevant representations made.
Application to vary premises licence/club premises certificate.	If a relevant representation is made.	If no relevant representations made.
Request to vary designated premises supervisor.	If a Police objection is made.	All other cases.
Request to be removed as designated premises supervisor.		All cases.
Application for transfer of premises licence.	If a Police objection is made.	All other cases.
Application for interim authorities.	If a Police objection is made.	All other cases.
Application to review premises licence/club premises certificate.	All cases.	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases.
Decision to object when Local Authority is a consultee and not the relevant authority considering the application.		All cases.
Determination of application to vary premises licence at community premises to include and alternative licence condition	If a Police objection is made.	All other cases.
Determination of a Police objection to a STANDARD temporary event notice.	All cases.	
Application for minor variation of premises licence/club premises certificate		All cases ( for decision whether to consult other

		Responsible authorities and for Determination)
Determination of a Police / EH objection to a temporary event notice.	All cases except where objection requires inclusion of conditions from existing premises licence and applicant is in agreement	Where objection requires inclusion of conditions from existing premises licence and applicant is in agreement
Attachment of Conditions from existing premises licence to TEN	Where applicant objects to conditions	If applicant is in agreement
Issuing of Counter notice for STANDARD TEN	Following determination hearing	Where limits are exceeded
Issuing of counter notice for Late TEN		All cases
Suspension of licence for non payment of fees		All cases
Requests for a change to the film classification awarded by the BBFC	All cases	
Requests for classification of films where there is no BBFC classification	Where there is concern about the content of any film submitted or the proposed exhibition of the film	Where appropriate procedure is followed and no concerns as to content
Request for implementation of Early Morning Restriction Order	FULL Committee	
Request for imposition of Late Night Levy	Full City Council	
Statement of Licensing Policy	Full City Council	

Broad Street

Broad Street and its surrounding area has a high concentration of premises licensed for the sale of alcohol on the premises. A special policy for Broad Street was adopted in 2005. Following consultation the Council has decided it is necessary to extend the scope of this Policy from just on-sales to include off sales and Late Night Refreshment in order to prevent further cumulative impact relating to crime, disorder and anti-social behaviour.



### Hurst Street/Arcadian

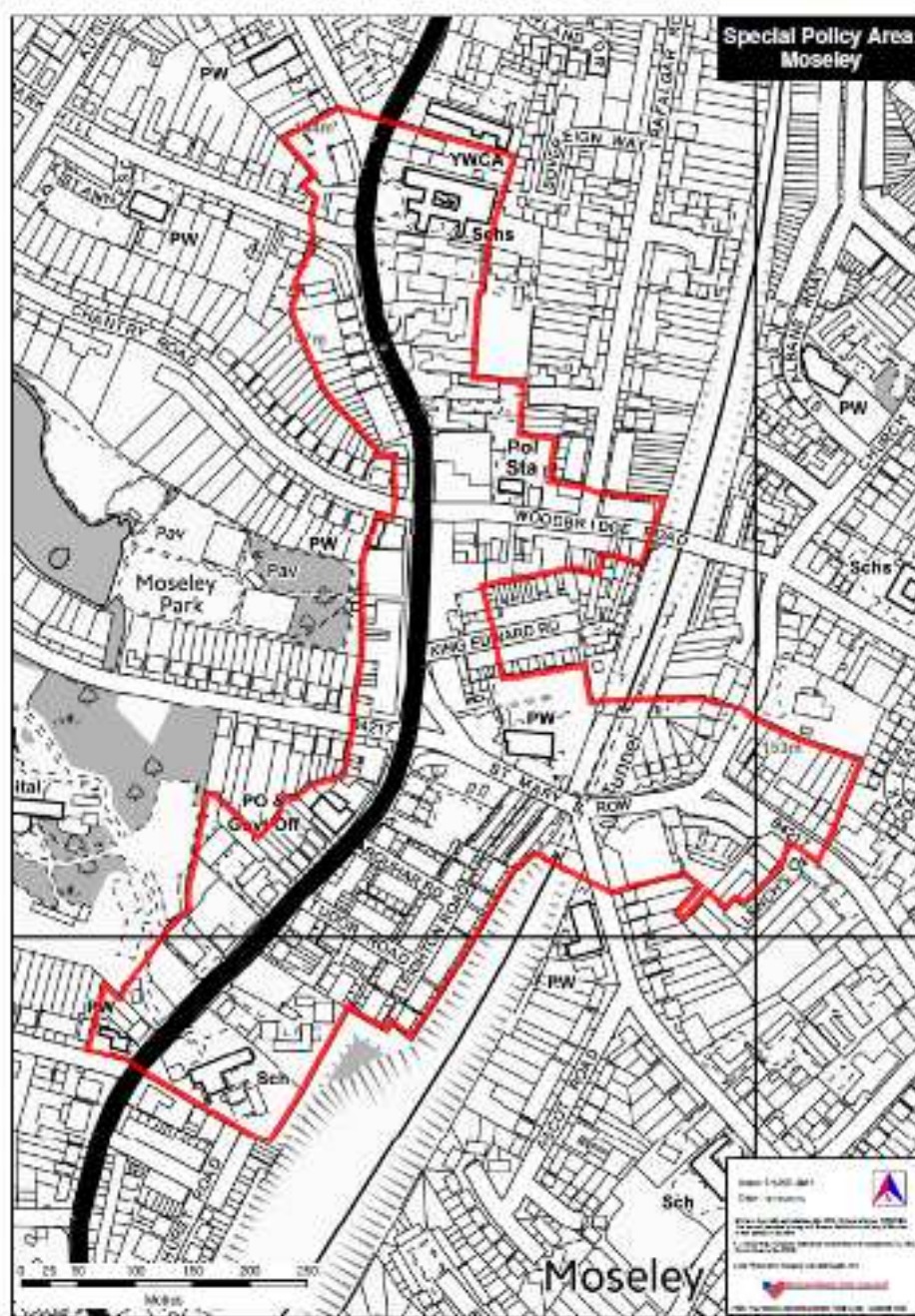
The Hurst Street/Arcadian area of the city centre is widely recognised as Birmingham's second entertainment centre after Broad Street. It also has a high concentration of premises licensed for the sale of alcohol on the premises. Following consultation the Council has decided it is necessary to extend the scope of this Policy from just on-sales to include off sales and Late Night Refreshment in order to prevent further cumulative impact relating to crime, disorder and anti-social behaviour.





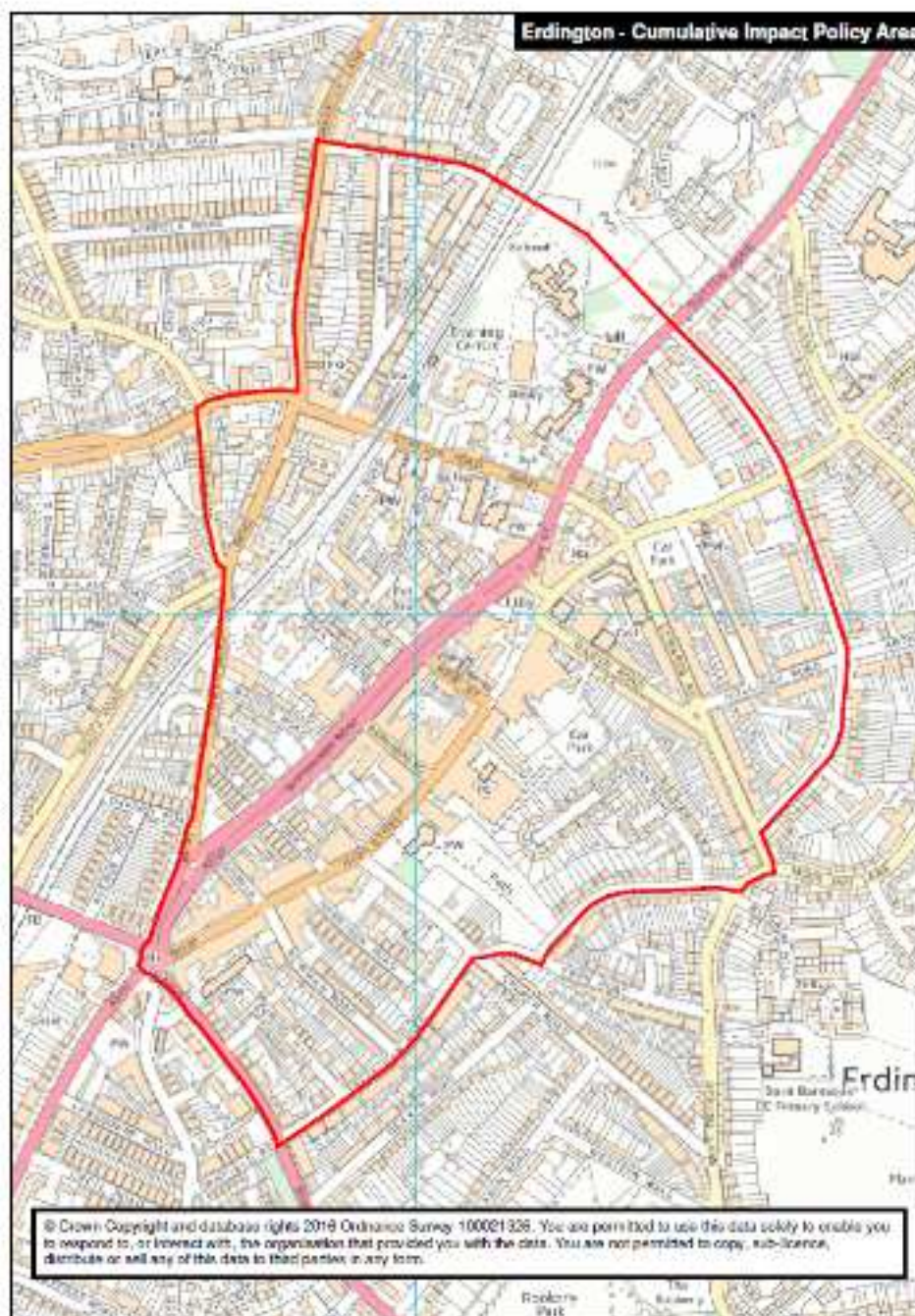
## Central Moseley

Located in the south of Birmingham, central Moseley is a prominent entertainment centre often considered to provide an alternative destination to the city centre. The centre of Moseley has a high concentration of premises licensed for the sale of alcohol on the premises which are in close proximity to residential housing and, following consultation, the Council has decided it is necessary to extend the existing policy to include both on and off sales to prevent further crime and disorder and public nuisance impacting on the licensing objectives.



Erdington

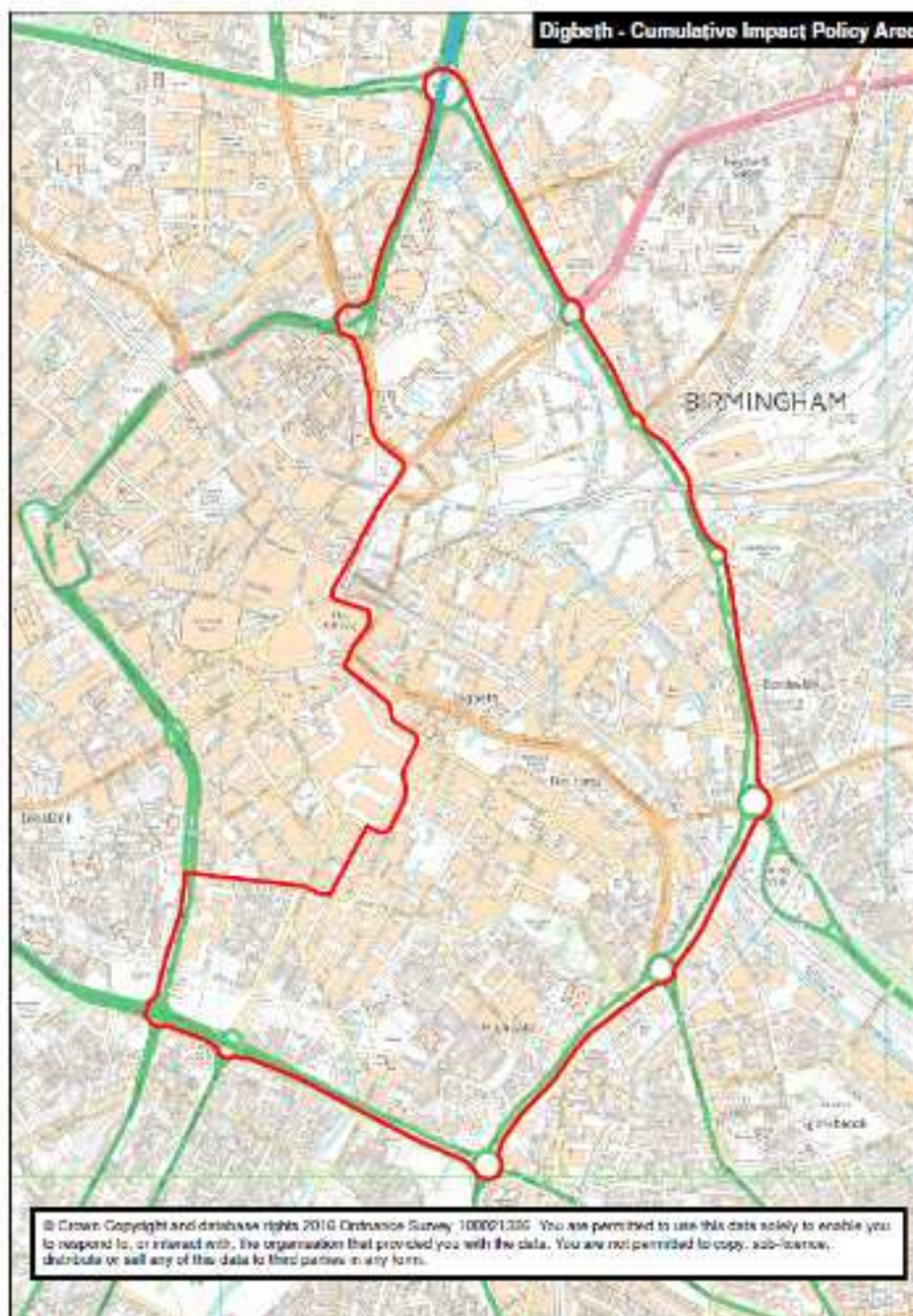
Located in the north of Birmingham, Erdington is a busy town with a variety of retail residential and entertainment establishments. The centre of Erdington has a high concentration of premises licensed for the sale of alcohol on the premises which are in close proximity to residential housing and, following consultation, the Council has decided it is necessary to extend the existing policy to include both on and off sales to prevent further crime and disorder and public nuisance impacting on the licensing objectives.





Digbeth

Located in the centre of Birmingham, Digbeth has a diverse range of retail, residential and entertainment establishments. The High Street and surrounding area has a high concentration of premises licensed for the sale of alcohol on the premises which are in close proximity to residential housing and, following consultation, the Council has decided it is necessary to extend the existing policy to include both on and off sales to prevent further crime and disorder and public nuisance impacting on the licensing objectives.



## **WEST MIDLANDS POLICE LOCAL POLICING UNITS AND CONTACT ADDRESSES**

### **Birmingham East Local Policing Unit**

Stechford Police Station

338 Station Road

Stechford

Birmingham

B33 8RR

be\_licensing@west-midlands.police.uk

(for Sparkbrook, Springfield, South Yardley, Moseley & Kings Heath, Billesley, Brandwood, Stechford and Yardley North, Sheldon, Shard End, Hodge Hill, Washwood Heath, Acocks Green)

### **Birmingham North Local Policing Unit**

Sutton Coldfield Police Station

Lichfield Road

Sutton Coldfield

B74 2NR

bn\_licensing@west-midlands.pnn.police.uk

(for Sutton Four Oaks, Sutton New Hall, Sutton Town Centre, Sutton Trinity, Sutton Vesey, Erdington, Tyburn, Stockland Green and Kingstanding)

### **Birmingham South Local Policing Unit**

Bournville Lane Police Station

341 Bournville Lane

Birmingham

B30 1QX

BS\_Partnership\_team@west-midlands.police.uk

(for Bournville, Northfield, Longbridge, Kings Norton, Selly Oak and Edgbaston, Weoley, Bartley Green, Harborne, Quinton)

### **Birmingham West and Central Local Policing Unit**

Birmingham West and Central Police Station

Steelhouse Lane

Birmingham

B4 6NW

bw\_licensing@west-midlands.pnn.police.uk

(for Soho, Ladywood (inc City Centre), Nechells, Aston, Perry Barr, Oscott, Lozells and East Handsworth, Handsworth Wood)

The above list of areas covered by the Local Policing Units is not definitive and may be subject to change and so applicants are advised to check with West Midlands Police which is the correct Policing Unit for their application to be served on. To check, contact the West Midlands Police Switchboard on 101 or go to [www.west-midlands.police.uk](http://www.west-midlands.police.uk)



# Big challenges for health & social care –The Birmingham and Solihull Sustainability and Transformation Plan

## 1 Why does the Birmingham and Solihull Sustainability and Transformation Plan matter to you?

*There could not be a more unified and consensual position from across the care and support sector that adult social care is in a perilous position.<sup>1</sup>*

- 1.1 Health and social care services are facing an unprecedented challenge. Shrinking budgets, especially for adult social care, coupled with ever growing demand, mean that without additional resources, major changes will be needed if the system is to avoid collapse. This is both a national and a local issue. The state of adult social care funding locally needs to be seen in the national context. This was set out in a recent report from the Local Government Association (LGA) which estimates that 'adult social care faces a funding gap of £1.3 billion by the end of the decade as part of the £5.8 billion funding gap facing local government overall.'<sup>2</sup> In describing what he refers to as the existential crisis of care, Richard Humphries, Assistant Director of Policy at the King's Fund, says this when describing the triple challenge of money, service design and workforce to the care system: 'The most obvious is money. Quite apart from past cuts – over £5 billion less in local authority social care budgets over the last five years – it is demography-defying that spending is set to fall further when the number of over 85s will double over the next two decades and adults with a learning disability will increase by at least a third.'<sup>3</sup> It is clear that a key part of the response to these challenges must be a properly integrated health and social care system, one that maximises the value of every pound we spend and prioritises prevention and early intervention.
- 1.2 Sustainability and Transformation Plans (STPs) have been established by the Government and NHS England as the basis for addressing these challenges. They are intended to be the start of an iterative process which aims to bring about long-term, sustainable change to address key gaps in health and wellbeing, care and quality and finance and capacity.

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<sup>1</sup> Adult social care funding: LGA 2016 state of the nation report: Page 9 Vision, reality and bridging the gap

<sup>2</sup> Adult social care funding: LGA 2016 state of the nation report: Page 6 The state of adult social care funding

<sup>3</sup> Adult social care funding: LGA 2016 state of the nation report: Page 11 The state of adult social care funding: a national overview by Richard Humphries, Assistant Director of Policy, The King's Fund



- 1.3 As a first step, we agree that there needs to be closer working between NHS providers, NHS commissioners and the local authority. However, bringing about the closer integration of health and social care will require pioneering new models of care to be developed as part of a new local and national health and care service. In order to achieve this, the NHS and social care services will need to succeed in breaking down the barriers which have so far largely prevented them from working sufficiently closely together to deliver a truly integrated health and care service. This presents a huge challenge for both the NHS and for the Council.
- 1.4 The scale of the challenge faced by the health and care system raises three major questions about the STP.
  - 1.4.1 Firstly, does the STP adequately address the immediate crisis that has emerged in the social care system?
  - 1.4.2 Secondly, does it provide a basis for bringing about the longer term system changes that will be needed?
  - 1.4.3 Thirdly, will it enable the transformational changes in individual behaviour and in the physical and social environments that are necessary to help more people to stay active and healthy over the longer term?
- 1.5 Clearly this is essential if we are to have any chance of relieving future pressure on the health and care system and preventing an increasing volume of longer term health problems developing, which will cause even greater difficulties for the health and care system in the future.
- 1.6 Local elected leaders have a key role in shaping how this happens, in influencing what the new models look like and in ensuring that the citizen voice is put firmly at the centre of the plan. To do this, elected members need to be informed and engaged in the debate at an early stage to think about how best to tackle the system challenges and to decide where they want to take health and social care in Birmingham and Solihull over the next five years and beyond. Openness, transparency and public engagement in the STP have been very limited to date and ongoing citizen involvement will be absolutely essential in shaping what the new system looks like. Members have been rightly critical of the process stipulated by NHS England for drawing up the initial version of the STP, which seemed designed to actively exclude the wider public from the discussion. This is both unacceptable and counterproductive. Redesigning the system in order to bring about long term behaviour change cannot be achieved through a process restricted largely to local system leaders. Public input and engagement is essential to ensure that the new models of care are designed from the point of view of the people who access and use the services so that the health and wellbeing of the local population is put at the forefront of the plan and so that the planned changes will have a positive impact on the health and wellbeing of the local population. Birmingham's decision to publish the plan in full is a welcome recognition of this fact.



## 2 What is the Sustainability and Transformation Plan?

- 2.1 The Birmingham and Solihull Sustainability and Transformation Plan ('the Plan') is basically a planning tool for delivering a health and social care system that achieves better outcomes across Birmingham and Solihull over the next five years. It is about the health system working more closely with community based services and the social care system to provide more appropriate services for patients who may currently be in hospital. It requires local leaders to work together in a collaborative way to achieve an effective, affordable and sustainable system which will deliver better health and care for local people.
- 2.2 The health and social care system faces a number of significant challenges driven by a variety of factors including financial and capacity pressures, levels of deprivation and increasing demand, some of which are set out in more detail below. Dealing with these difficulties will require a change to the way care is delivered and a change in the way we work with families and communities. We need to focus on preventing the early onset of disease and other conditions so that the pressure on an already overstretched health and care system is reduced. This is the only way we will be able to stabilise the system and make it sustainable in the longer term.
- 2.3 An integrated health and social care system is clearly part of the answer to these challenges. However, it will only be achieved through a strong, equal partnership approach between all local NHS organisations (including the providers, clinical commissioning groups and GPs), the two local authorities and a range of other stakeholders including local communities. Unfortunately, we have yet to see evidence that both sides of the system are being treated equally through the STP process, to the detriment of adult social care. We agree with the verdict of Councillor Izzi Seccombe, Chair of the LGA's Community Wellbeing Board: *'For too long the service has too often been seen by decision-makers as an adjunct to the NHS, rather than a service of equal importance. A lack of recognition in terms of profile has combined with a lack of recognition in terms of funding to place our care and support system under enormous pressure.'*<sup>4</sup> This has to change if we are to have any real hope of finding the innovative new models of care and approaches envisaged by the STP and in the NHS Five Year Forward View.

## 3 Scale of the challenge

- 3.1 The Birmingham and Solihull STP Footprint (the BSol STP footprint) covers 1.3 million people, 2 local authorities, 7 acute hospitals, 1 mental health trust, 1 community health trust, 3 CCGs and 182 GP practices. The scale of the issues in terms of improving the health and wellbeing of the population are set out in considerable detail in the STP and the executive summary is attached for information. The examples set out below go some way to highlighting the scale of the challenge.
- 3.2 Health and Wellbeing gap:

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<sup>4</sup> Councillor Izzi Seccombe, Chair, Community Wellbeing Board, Local Government Association, Adult social care funding: LGA 2016 state of the nation report Page 4





- 440,000 or 46% of the footprint population live in the “bottom 10%” most deprived areas of England.
- 1 in 3 children live in poverty.
- Birmingham has a gap in life expectancy of 7 years between the most and least affluent and in Solihull it's 10 years.
- Birmingham and Solihull are in the bottom quartile for emergency admissions from falls.
- All three CCGs have cancer mortality rates that are higher than the national average.

### 3.3 Care and Quality gap:

- There is a growth in emergency admissions for conditions which would not usually need a hospital admission (currently 940.8 per 100,000 population).
- Delayed transfers of care attributable to the NHS and social care across the STP is 17.39 per 100,000 population which is in the worst performing quartile nationally.
- There are significant challenges with available capacity as well as variability in quality of care in nursing homes and domiciliary care.
- The Birmingham and Solihull CCGs combined have the second lowest ratio of GPs and Practice Nurses per 100,000 population (0.53).

### 3.4 Financial gap:

- The combined 16/17 forecast position for the health and care economy is an overall deficit of £18m. This is driven primarily by the £46m deficit in social care, with the health sector showing a forecast surplus for 16/17 of £24.5m.
- By 2020/21 all organisations across Birmingham and Solihull will be in deficit and the overall combined health and care sector deficit will be £712m if things don't change, with the single biggest driver in the growth of the deficit being generated by the NHS providers, who will be £307m in deficit.<sup>5</sup>

### 3.5 Capacity gap:

- Detailed demand, activity and capacity modelling has not yet been done. However if nothing is done to change the way care is delivered and to change the way we work with families and communities to prevent the early onset of disease, the suggestion in the plan is that the system would need a further 430 hospital beds, which equates to almost a new hospital, in five years' time.<sup>6</sup> This is the size of a typical general hospital and there are not sufficient empty beds available to cover this demand. In addition, the required workforce is also not available. This is clearly not a sustainable situation.

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<sup>5</sup> Understanding the gap – Finance – 15/16 through to 20/21 BSol STP Page 15

<sup>6</sup> Illustrative increase in acute beds required by 2020/21 in the 'do nothing' scenario BSol STP Page 17



## 4 How has health scrutiny been involved in the process?

- 4.1 The Health Scrutiny Committee was briefed about the approach being taken to the Plan at an informal session at the start of the municipal year by the Better Care Fund Programme Director and the Strategic Director for the STP. Notably however, we were not informed as to the content of the first draft Plan submitted to NHS England at the end of June 2016. In September, the Committee took formal evidence from the Cabinet Member for Health and Social Care, who set out her detailed concerns in relation to both the Plan and the process.
- 4.2 After listening to the Cabinet Member and discussing the issues raised, the members decided to devote their October meeting to scrutinising the Plan. At its October meeting the committee invited Mark Rogers, in his capacity as System Lead for the STP, and the work-stream leads, namely Sarah-Jane Marsh (Maternity and Newborn Programme), Dame Julie Moore (Vibrant Secondary and Tertiary Services Programme), John Short (Mental Health Programme) and Les Williams who represented Tracy Taylor (Community Care First Programme). The system and work-stream leads addressed the Committee and answered questions from members about the work being planned, work already in progress, how the public have been involved to date or plans to involve them, problems and issues arising and how the Plan will help to resolve these in relation to their respective work-streams.

## 5 Cabinet Member response to the Plan

- 5.1 Just prior to the publication of the Plan the Cabinet Member for Health and Social Care, whilst welcoming the direction of travel represented by the Plan and supporting the development of a fully integrated health and social care system and reiterating her commitment to a collaborative and place based approach, set out her significant concerns about a range of issues arising from the Plan. These concerns were shared with all Birmingham councillors and can be briefly summarised as follows:
- The Plan is focussed on organisations and not people; it fails to take an approach to population health and to the ambitions from citizens for a greater emphasis on positive health outcomes;
  - The Plan cannot claim to be place based when 16% of Birmingham is missing from it and there is no cross referencing to the plan for West Birmingham in the Black Country STP;
  - Social care is seen as incidental to the issues facing NHS organisations and social care principles and services which are based on supporting people outside of the NHS system have been relegated to an ancillary position;
  - Social care thinking is also rooted in a broad appreciation of the wide nature of communities and the plan is weak about how key issues such as housing and other community based services could be deployed;
  - There is much hard work through a wider process of public engagement that needs to be done to gain public support for the Plan;



- The Plan doesn't operate as one system covering health and care. Although the social care financial gap is included within the Plan, which is welcome, there is no indication of how this gap will be closed. Indeed some of the assumptions in the Plan to shift more care into the community through fewer hospital admissions and shorter lengths of stay are not accompanied by any change to the level of homecare and social support, and create a significant risk that the Plan will move care and costs from the NHS to the social care system which could actually increase the gap;
- The Plan takes a supply side analysis based on projected demand and needs. It does not start from the point of pulling the needs of the 21<sup>st</sup> century and current demographic patterns in Birmingham into a clear analysis.

5.2 Our Committee endorses the Cabinet Member's concerns and welcomes the strength and clarity with which she has publicly made her views known. On the positive side, the Cabinet Member recognised the significant advantages of completing a single view of NHS finance with Birmingham and Solihull as a stepping stone for the further work to be done and of bringing about a climate of better governance and improved relationships within NHS partners and beyond.

## Findings

### 6 The financial challenge and the implications for social care

6.1 Many of the concerns raised by the Cabinet Member were echoed by the members of the Health Scrutiny Committee. The most immediate of these is the fact that the Plan does not operate as one plan covering both health and social care, with the result that although the social care financial gap is included in the Plan, there is no indication of how the gap will be closed. The Plan also presents a significant risk in that it will move care and costs from the NHS to the social care system which could actually increase the gap and consequently intensify the financial pressures on the local authority sector.

#### Impact of increasing pressures on adult social care

6.2 The drivers which are putting increasing pressure on adult social care services are well known and include a range of factors, of which demographic changes are the most pronounced.. Between 2015/16 and 2016/17 the level of client need attributable to demographic pressure has been forecast to increase by £12.5m, of which only £6.5m is funded, placing increased pressure on the system.<sup>7</sup> In addition to population growth, there are demographic pressures from an ageing population who often have a number of co-morbidities and more complex needs. There are other factors such as poverty and sickness which are widely accepted as drivers which lead to the earlier onset of the need for social care, and the growth in the number of younger adults with complex care needs. There are increasing pressures also in the care market with rising costs leading to care

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<sup>7</sup> Stabilisation and Transformation of Social Care, BSol STP Page 57  
Page 184 of 196





market failure because councils cannot afford higher fees, which in turn causes more upward price pressure for councils when they have to find more expensive alternative placements. All of these have combined to create more intense demand on the adult social care system. This has a knock-on effect of causing increasing difficulties for the NHS in the form of patients being unable to be discharged promptly from hospital due to inadequate social care provision.

- 6.3 The impact of these pressures on the adult social care budget has been growing over recent years. These, taken in conjunction with the failure to realise what were probably unrealisable savings in adult social care and assumptions about savings to be made in the NHS which would be utilised to support adult social care which never materialised for a variety of reasons, have all led to a rising overspend culminating in the current, substantial budgetary shortfall.

### **Council's overall financial position**

- 6.4 The adult social care financial gap needs to be understood in the context of the Council's overall financial position. This is set out explicitly in the latest letter from the Birmingham Independent Improvement Panel to the Secretary of State for Communities and Local Government dated 9<sup>th</sup> November 2016. The letter says in relation to the Council's financial position :*'The Council's monitoring of its 2016/17 revenue budget position has revealed that there is likely to be a significant overspend for the year, predicted in the Council's report to be in the region of £49m. The Council has now acknowledged that a significant number of the budget reduction proposals recommended to the Budget Council meeting in March 2016 were unrealistic and many previously undeliverable proposals were carried forward into the 2016/17 budget. There was insufficient understanding and ownership of the Council's 2016/17 budget and lack of comprehensive and robust delivery plans for the budget reduction measures that were required to balance the Council's budget.'*
- 6.5 The letter then goes on to say that *'the 2016/17 budget situation has made the management of the 2017/18 budget much more difficult, with reduced lead-in times for proposals which will inevitably affect very sensitive services, making it much harder to manage the impact on residents.'*

### **Adult social care budget position**

- 6.6 Specifically in relation to the adult social care budget the letter says: *'Birmingham, in common with all-purpose authorities across England, faces severe financial pressure, particularly on its adult social care budget as a result of demographic changes and growth in demand. The Council is actively engaged in the early stages of working with its health partners to develop a more integrated approach to commissioning and delivering health and social care services to residents. While clearly the right approach in that the focus is on collaborative working to achieve the best possible health and social care outcomes for the city's residents, these developments are unlikely to deliver financial savings for the Council in the short term. The Council recognises this now. The late recognition has made the Council's financial challenge much greater.'*



- 6.7 This paragraph is referring to the fact that, in relation to the Council's 2016/17 expenditure on adult social care, it had been planned originally that approximately £28m in NHS savings which were to be made through the Better Care Fund by reducing non-planned emergency hospital admissions, would be made available in 2016/17 to be used by the local authority to alleviate some of the financial pressures in adult social care. This never happened due largely to increasing numbers of patients ending up at A&E departments leading to increasing unplanned admissions and a lack of available capacity to deal with the increasing demand. Subsequently it was planned to utilise the retained 1% CCG contingency (an estimated £13m) to alleviate identified financial gaps in the system. It is now clear that this will not happen. This means that these significant pressures will have to be met by the local authority for the current financial year and very probably also for 2017/18 and 2018/19. The fact that there will be no NHS money available to support the adult care system for the next two years, contrary to what had previously been anticipated by the City Council, was acknowledged by the System Lead, Mark Rogers, in his evidence to the Committee.
- 6.8 Page 57 of the STP document spells this out in stark terms: *'A significant level of savings (£28.4m) was apportioned to be achieved in 2016/17 via whole system reform plans with health. On the 4<sup>th</sup> July 2016 a strategy was supported by BSol partners to seek to gain NHSE support to utilise the retained 1% CCG contingency (estimated at £13m) if this were possible to alleviate identified financial gaps in the system.....It is now clear that given a thorough review of system finances and NHS pressures the utilisation of the £13m will not be possible under the current NHS priorities.'*
- 6.9 The loss of these anticipated resources puts our adult social care services in an extremely precarious position. It also raises a number of questions over the budgetary assumptions the Council had made in previous years, with regard to both its own savings proposals and the belief that NHS contributions will be coming across to maintain the adult social care system which have subsequently not been realised. Lessons need to be learned about the consequences of making unrealistic assumptions when dealing with the current adult social care financial challenge and when making decisions about the current Council budget.

## 7 Prioritising prevention and early intervention

### Public health and prevention

- 7.1 Prevention and the promotion of wellbeing will be vitally important if both the NHS and social care are to succeed in addressing the financial challenges and increased demand set out in the previous paragraph. Prevention, and in particular public health initiatives and interventions aimed at facilitating and encouraging longer-term behaviour change, will be critical in closing the care gap and achieving the transformation needed to make the available resources go further while still delivering quality care. Maintaining health and wellbeing need to be at the forefront of the Plan so that people are helped and enabled to take action to make a difference in their own lives to have any hope of closing the gap.



- 7.2 The importance of prevention and the promotion of wellbeing across the system is recognised in the Community Care First work programme and in particular through the 'Improving Health and Wellbeing' strand of work. It aims to address the gap in life expectancy, quality of life and life chances across the life course to enable people to achieve 'active, meaningful and independent lives'. Six priorities have been identified and it is explicit that in order to be effective, these all need to be an inherent part of all the STP work programmes, not just the improving health and wellbeing work-stream. One of the top five milestones in this area is a radical upgrade in prevention and promotion of wellbeing across the system with a focus on vulnerable groups, physical activity and across the life course. This is to be commended as an objective but the Plan also identifies the major risk that the prevention agenda is not integrated within pathways and across all the STP work-streams and that the infrastructure will not be funded to implement the technological change required to modify public behaviour in seeking help and promoting activity. Both of these pose a major threat to the delivery of this objective.

### **General medical practice and prevention**

- 7.3 Another vitally important aspect of the prevention agenda is covered by the 'Stabilised and Enhanced General Medical Practice' work-stream which aims to develop an enhanced general medical practice offer aligned to long term conditions priorities and preventative interventions. This recognises the importance of general medical practice in reducing health inequalities and improving the health and wellbeing of the population, the need to support member practices to achieve improved quality outcomes and the need to extend access to general medical practice. However, the Plan also highlights the significant risk that if secondary and tertiary providers fail to support the Community Care First model then the funding will not be released from the STP to support the preventative initiatives outlined in the Community Care First work-stream.

### **Prevention and non-statutory Council services**

- 7.4 Another important area of preventative services which are sometimes forgotten are the non-statutory or discretionary Council services. The current budget position has immediate and obvious implications for Council statutory care services but we also need to be clear about what this means for the resources available to support non-statutory or discretionary services. Much of this money is directed at the type of preventative and early intervention work that is needed to alleviate pressures elsewhere in the health and care system. If services that are supporting people to stay well and to live independently in their own homes are no longer available then the inevitable consequence will be more people needing more intensive interventions, more hospital admissions and increased demand for more intensive social care at an earlier stage than would otherwise be the case. This all means more pressure on hospitals and on the care system.
- 7.5 Whilst the Community Care First work-stream has a strong focus on public health and wellbeing issues, it is less focused with regard to prevention. In particular, it does not take account of interventions that support people on the edge of crisis and help people to achieve or to maintain stability and independence, which in turn prevents escalation into the care and health systems. An



obvious example of this would be interventions that support people who are homeless, especially given the links to other complex needs, many of which rely on funding from the Supporting People programme, which is one of a number of areas of Council funding currently being reviewed.

- 7.6 Supporting People funding is used to fund accommodation related support, particularly supported housing. Supported accommodation in Birmingham provides the most vulnerable citizens in the city with a wide spectrum of support packages. The main categories include homeless young people aged 16-25, care leavers, adults with support needs, people with mental health problems, people with learning disabilities, victims of domestic violence, ex-offenders and those at risk of re-offending, individuals with drug and/or alcohol dependencies and homeless people. The main aim of this support provision is to recognise the individual needs of vulnerable people and to support those people to optimise their independence and to remain within the community. For many, the support provided will also facilitate a transition out of intensive supported housing and into the general needs housing with the prospect of living independently. Increasingly, accommodation and support are used as prevention responses to people on the edge of care for either children's services or adult social care, preventing the need for higher tariff responses.
- 7.7 Urgent consideration needs to be given to how the Council budget process can be better aligned with the STP, given the key emphasis that the STP places upon prevention. The Council's discretionary services represent an important element to delivering this preventative agenda – from supported housing through to wider community-based activities. Given the significant risks previously highlighted above in relation to public health initiatives and interventions aimed at longer-term behaviour change and the risks to developing an enhanced general medical practice aligned to preventative interventions, there is a very real risk that we will undermine the whole basis of the Plan unless we align our budget process and enter into a proper discussion about the future funding of these services, which have a direct impact on STP objectives and outcomes. There are examples of local authorities using their Supporting People funding to co-commission with adult social care and health and children's services to provide more creative 'edge of care' and 'edge of crisis' prevention services, thus reducing pressure on their higher tariff services and contributing more effectively to their STPs, which could and should be explored in collaboration with the NHS.

## 8 Lack of openness, transparency and public engagement

- 8.1 There has been widespread concern among Councils about the lack of openness, transparency and public engagement in the STP process as set out by NHS England which has caused some considerable tensions with Councils. To date, there has been very limited public engagement around the BSol STP. At the date of writing this report, there had been three informal stakeholder reference group events on 27<sup>th</sup> and 29<sup>th</sup> September and 14<sup>th</sup> October, with only a few dozen members of the Birmingham and Solihull community involved.
- 8.2 There are references throughout the Plan to the importance of workforce, stakeholder, patient, service user, family, carer and public engagement and consultation. However the engagement and



communications strategy which is included on one page near the end of the Plan would appear to be very much an afterthought and needs a considerable amount of work to strengthen it and to ensure that decisions taken are made with the engagement and agreement of local communities. The part of the Plan setting out the immediate next steps up to the end of March 2017 refers to further developing a communications strategy and commencing a programme of activities to support wider engagement, but this needed to be done much earlier in the process. As it is, due to a lack of engagement to date, the Plan runs a high risk of failure to engage and persuade both patients and professionals about the new health and care models.

- 8.3 On a positive note, we warmly welcome the decision to publish the draft BSol STP plan in its entirety on 24th October 2016, despite the apparent desire on the part of NHS England to avoid full publication. The Plan was one of only a handful nationally that were published earlier than the timeline that NHS England sought to impose on the process. This demonstrates an important, albeit belated, understanding of the necessity for wider public and political engagement in the Plan.
- 8.4 There is clearly a lot of work that needs to be done to put patients and the public at the heart of the Plan. This has to be about more than a traditional, one-off consultation process. We want to see the views and perspectives of citizens and service users actively shaping the Plan in the immediate and longer term. This approach, rooted in the principles of co-production and the actual experiences that patients have of services, is missing at the moment. This needs to be addressed as a matter of urgency using a consistent approach across the different work-streams.

### **Involvement of local Healthwatch**

- 8.5 It is part of the statutory function of local Healthwatch organisations to gather the views of and understand the experiences of patients and the public and to make these views known. They also promote and support the involvement of people in the commissioning and provision of local health and social services. They have developed expertise in gathering the views of and listening to patient, public, service user and carer experiences and in using these to drive improvement in health and social care. They could provide support, advice and assistance about the best ways of promoting community engagement and supporting the involvement of people in the commissioning and provision of local health and social care services to ensure that the views of patients, the public, service users and carers are at the heart of changes and decisions that are being made about these services.
- 8.6 Consideration should be given to liaising with and working with Healthwatch about how they collect evidence and about some of the tools they have available to promote community engagement, such as their Feedback Centre and the new Birmingham Healthwatch Quality Standard, which is currently being piloted and tested as part of the NHS England West Midlands assurance process and is due to be launched in early 2017. This uses patient and public insight, experience and involvement to reduce health inequality and drive improvement and could be a useful tool to provide the maximum opportunities for people to share their experiences and to shape the changes that are happening.





- 8.7 There is also a continuing role for health scrutiny in looking at the operational plans and taking an overview of the engagement and consultation processes as they develop across the system.

## 9 ‘The West Birmingham Question’

- 9.1 The boundaries of the geographical area covered by the Sandwell and West Birmingham Clinical Commissioning Group are not co-terminous with the local authority boundaries. This has resulted in the anomalous situation where parts of West Birmingham, which represents approximately 16% of the Birmingham population and includes areas such as Ladywood, Handsworth and Perry Barr, are part of the Black Country STP and are not included in the BSol STP. BSol and Black Country representatives are associate members of each STP and attend each other’s STP meetings but otherwise there is a lack of connectivity and a lack of cross-referencing between the BSol STP and the Black Country STP.
- 9.2 Maintaining health and wellbeing needs to be at the forefront of this Plan and responsibility for Public Health sits with the Council. Having two plans covering different parts of the city and taking account of what is happening in Solihull and Sandwell will make the essential preventative public health aspects of the transformation difficult for Birmingham City Council to plan and deliver.
- 9.3 Scrutiny already has Joint Committees (HOSCs) with both Sandwell and Solihull to scrutinise cross-boundary issues. There is clearly a role for both the Joint HOSCs in scrutinising the BSol and Black Country STPs. However there remains a question about the best way to look at the overall picture covering what is proposed through the two STPs in Birmingham, Solihull and West Birmingham.
- 9.4 There is another issue in relation to the STP footprint which was raised by the work-stream leads. All of the Birmingham trusts deliver also some specialised services across a larger geographical area outside of the STP footprint on a wider regional or national basis. The fact that some services are delivered across a wider footprint needs to be given consideration in the discussions and decisions to be made about the plan.
- 9.5 Consideration may need to be given as to the best way to ensure that the overall picture is looked at in detail and about whether both of these aspects might necessitate some form of wider regional or sub-regional oversight.

## 10 Conclusions

- 10.1 At the outset of this report, we posed three key questions. Firstly in the short term, does the STP meet the immediate crisis in social care? Given that the Plan is not yet a single entity covering both health and social care and that whilst it mentions the social care financial gap, it gives no indication as to how the gap will be closed, the answer to this question must be no. Worse than this though, the Plan also presents a significant risk that, through fewer hospital admissions and shorter hospital stays, it will move care and costs from the NHS to the social care system without



making any provision for increased homecare or social care resources, which could actually increase the gap and thus worsen the immediate crisis in social care.

- 10.2 Secondly and thirdly, taking a longer view, does the Plan provide a basis for bringing about the longer term system changes that will be needed and will the Plan bring about the kind of changes in behaviour and the environment needed to support more people to stay healthy for longer to relieve pressure on the health and care system in the future? The answer to this seems to be that whilst it provides a potential basis for achieving this, it has a long way to go before it can deliver. We can only reiterate what was said by the Cabinet Member about the Plan. There is general agreement that the concept of integrating health and social care is the right way to go but at the moment social care is seen by the NHS as incidental to the issues facing the NHS. This needs to change if the Plan is to succeed. The inter-dependent relationship between the NHS and the social care system needs to be at the centre of the Plan to bring about a more level playing field and a more equal relationship between health and social care for the Plan to succeed.
- 10.3 Whilst recognising the not inconsiderable achievement of bringing together a single view of NHS finance in Birmingham and Solihull, and in drafting a medium-term plan, the concerns about the Plan expressed by the Cabinet Member in relation to a lack of openness, transparency and public engagement in the process to date were fully endorsed by Health Scrutiny Committee members. This has caused some considerable concern and unease within the local authority. There has been very limited public engagement in the Plan to date and the risks of not gaining public support are highlighted in the Plan. Members are aware that some of this was due to the guidelines for the process set out by NHS England but the Plan has been largely drafted to date with no significant input or engagement from staff, patients, the public or local government and this needs to be remedied urgently. Members welcomed the decision to publish the Plan earlier than the required timeline but much more is needed. The consultation plan which is set out in the STP is not adequate and needs strengthening considerably. Organisations such as local Healthwatch can also provide additional experience and support in this area but they need to be properly engaged in the process to enable them to do this.
- 10.4 The fact that the relationship between the health and social care system is currently less than equal is graphically illustrated by the fact that there is nothing in the Plan about closing the financial gap currently faced by the social care system. It is no exaggeration to say that the combination of pressures outlined in this report mean that the social care system is in danger of collapse. This will only add to the strain on hospitals and GPs unless the funding gap in social care is prioritised. Prioritising investment in social care will have the added benefit of relieving the demand pressure on the NHS.
- 10.5 If both the NHS and social care are to succeed in addressing the financial challenges and increased demand set out in this report then initiatives and interventions encouraging longer-term behaviour changes to support prevention need to be prioritised. Public health initiatives and interventions, enhancing the general practice offer and access to general practice and the Council's discretionary services represent an important element in delivering the preventative agenda – from supported



housing through to wider community-based activities. Much of this money is directed at the types of preventative and early intervention work that is needed to alleviate pressures elsewhere in the health and care system. If these services that are supporting people to stay well and to live independently in their own homes are no longer available then this will lead to more people needing more intensive interventions, more hospital admissions and increased demand for more intensive social care at an earlier stage than would otherwise be the case. This all means more pressure on hospitals and on the care system. The plan is weak about how key issues such as housing and other community based services could be deployed.

- 10.6 What has been called 'the West Birmingham Question' is another issue that needs to be considered. As was succinctly pointed out by the Cabinet Member, the Plan cannot claim to be place based when a significant part of the Birmingham population in the west of the city are not covered by the plan and there is no cross referencing between the BSol STP and the Black Country STP.
- 10.7 The STP process stipulated by NHS England means that all Plans, including Birmingham and Solihull's, are medium term strategies focused on the next five years. However the ability to look strategically beyond the current budgetary period to the longer term is important in the interests of dealing with the longer term pressures on the system and achieving stability and sustainability in the system. There remains a need for a much longer-term focus, looking ahead over the next 20 years with a particular view to ensuring that the preventative work currently being done produces results in 20 years. 'STP Plus' may need to build on the STP to take a much longer-term focus over this more extended timeframe.
- 10.8 Through the STP, local authorities have become involved with NHS agencies to an extent hitherto unprecedented. This is a vital step if a truly integrated health and care system is to be developed at local level. However, local authority engagement should come alongside the essential conditions that are fundamentally intrinsic to the uniquely democratic and accountable governance structures of local authorities. Our committee believes that Birmingham City Council should boldly set out the democratic 'red lines' that constitute the essential conditions for our continuing engagement in the STP. For example:
- 10.8.1 The City Council will act as an equal partner, not a junior partner, within the STP.
- 10.8.2 We will not accept proposals that leave social care services to pick up the negative consequences of under-resourced NHS services.
- 10.8.3 Our continued participation in the STP is conditional on it working to standards of excellence in genuine and participatory forms of public engagement, consistent with the City Council's universal consultation strategy. This will be rooted in extensive, inclusive and open and democratic forms of local community engagement involving elected members, staff, patients and residents groups across the city.





## 11 Next Steps

- 11.1 The purpose of bringing this report to Members in full Council was to raise awareness among all elected members in Birmingham about the scale and importance of the changes that are happening and planned across the health and social care system under the remit of the BSol STP. It was also to highlight the importance of elected members engaging in the debate to decide where they want the health and social care system to go over the next five years and over the longer term into the future. The changes that are taking place and the new models of care that are being and will be developed will have a huge impact on the health and care for the people of Birmingham and Solihull.
- 11.2 The Health, Wellbeing and the Environment Overview & Scrutiny Committee is also seeking a mandate from the Council to continue to focus its efforts in scrutinising the Plan including the operational plans with a view to bringing a further report to Council on developments in 6 months-time. The Health Scrutiny Committee will be seeking meaningful progress on the issues flagged up in this report.
- 11.3 The range of organisations involved in the Plan is extensive and the importance of the changes that are happening and will be happening across the health and social care system cannot be over-stated. It is therefore of paramount importance that Members are informed, engaged and approach the process knowing the implications and issues and with a realistic understanding of the position of social care within the health and care system. There can be no more pressing priority than tackling the inadequate social care provision which causes disabled, frail elderly and vulnerable people to suffer by being denied the care they need.

**Councillor John Cotton**

**Chair, Health, Wellbeing & the Environment Overview & Scrutiny Committee**



**MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

To consider the following Motions of which notice has been given in accordance with Standing Order 4(A)

**A. Councillors Robert Alden and Ken Wood have given notice of the following Notice of Motion:-**

“The Council notes the latest findings of the Birmingham Independent Improvement Panel, in particular that there was ‘insufficient understanding and ownership of the Council’s 16/17 budget and a lack of comprehensive and robust delivery plans for the budget reduction measures that were required.’ This is despite the Improvement Panel issuing warnings to the Council’s leadership in late 2015 and early 2016, before the budget was agreed.

The overspend that will result from this will, according to the Council’s own report to the panel, leave a further £78m of savings required to balance the 2017/18 budget and means the Improvement Panel will have to maintain its role in overseeing the Council.

Chapter 8, of part 2 of the 2016/17 budget sets out a number of key organisational short and medium term priorities from the Leader of the Council, one of these states that -

“Setting a realistic budget and planning framework for the next four years. This is essential to give us the security to move forward with confidence and the credibility to deliver in improvement.”

And goes onto claim that -

“This plan sets out the vision, strategic approach and financial plans that will give us this security”

We now know that this is not the case. As such, this Council has no confidence in the Leadership of the Council and its ability to restore independence and pride to our municipal governance.”

**B. Councillors Zaker Choudry and Jon Hunt have given notice of the following Notice of Motion:-**

“Council notes serious concerns amongst residents of Kashmiri heritage about widely reported recent human rights abuses and their recent escalation in Jammu Kashmir and the many public demonstrations of those concerned.

Council further notes our region's extensive trade links with South Asia and welcomes recent UK Government attempts to extend those links.

Council further expresses concern about national immigration policy that may restrict access to good quality higher education in our city for students from the Commonwealth countries of South Asia.

Council believes that Birmingham, with its diverse citizenry and strong manufacturing economy, has a key role to play in maintaining good links with these countries.

However, this should not be at the expense of overlooking abuse of human rights. Indeed, respect for human rights should have a key role in ensuring economic development is for the benefit of the many, rather than the few.

Council further notes concern amongst its Kashmiri citizens that the region is subject to the Indian Armed Forces Special Powers Act 1990 and that a 1948 UN resolution called for a plebiscite of its inhabitants over its future. A resolution that to date remains unfulfilled and is the major cause of tension in the Region.

Council, therefore, would ask the Leader and the Cabinet Member for Transparency, Openness and Equality to set up a meeting with the Indian High Commissioner and other relevant stakeholders (including representatives of the opposition parties) to discuss:

- Trade in Birmingham
- Support for students in Birmingham
- Birmingham's concern about human rights abuses in Jammu Kashmir - offering lessons that could be learnt from the Northern Ireland peace process"