

CITY COUNCIL – 15 JANUARY 2019

WRITTEN QUESTIONS

A To the Leader of the Council

1. Waste Strike 2017 – Improve Effectiveness of Cabinet

From Councillor Jon Hunt

2. Refuse Strike 2017 – Retain Same Cabinet Members?

From Councillor Mike Ward

3. Exit Payments JNC Posts

From Councillor Roger Harmer

4. Commonwealth Games – Finance

From Councillor Morriam Jan

5. Obillex

From Councillor Meirion Jenkins

6. Project Overspends

From Councillor Bob Beauchamp

(To follow) 7. Paradise Development Repayment

From Councillor Suzanne Webb

8. GMB Acas Deal

From Councillor Adam Higgs

9. Social Care Grant

From Councillor Adrian Delaney

10. Waste Management Governance Review

From Councillor Gary Sambrook

11. QC Advice for Former Leader

From Councillor Peter Fowler

12. External Legal Advice

From Councillor Ron Storer

13. **Union Negotiations**

From Councillor David Pears

14. **Union Membership**

From Councillor Simon Morrall

15. **External Legal Advice**

From Councillor Eddie Freeman

16. **Pool Cars**

From Councillor David Barrie

17. **Pool Cars Cost**

From Councillor Maureen Cornish

18. **Pool Cars Access**

From Councillor Charlotte Hodivala

B To the Deputy Leader of the Council

1. **GMB ACAS Payment**

From Councillor Ron Storer

2. **Union Membership**

From Councillor Simon Morrall

C To the Cabinet Member for Children's Wellbeing

Union Membership

From Councillor Simon Morrall

D To the Cabinet Member for Clean Streets, Waste and Recycling

1. **Waste Collection – First Class Service**

From Councillor Baber Baz

2. **Waste Collection – First Class Service (2)**

From Councillor Zaker Choudhry

3. **Recycling – Working Arrangements Inadequate**

From Councillor Morriam Jan

4. **Waste Review – Continue as a Member of the Cabinet (2)**
From Councillor Mike Ward
5. **WRCO Interventions**
From Councillor Maureen Cornish
6. **WRCO Job Description**
From Councillor Bruce Lines
7. **Driver Team Leader Job Description**
From Councillor David Pears
8. **Waste Disposal Contract**
From Councillor David Barrie
9. **Waste Staff Sickness**
From Councillor Charlotte Hodiala
10. **Hand Washing Facilities**
From Councillor Debbie Clancy
11. **Cabinet Decision on Waste Management**
From Councillor Ron Storer
12. **Acting-up 1**
From Councillor Bob Beauchamp
13. **Acting-up 2**
From Councillor Matt Bennett
14. **Acting-up 3**
From Councillor Ken Wood
15. **Acting-up 4**
From Councillor Adrian Delaney
16. **Promotions**
From Councillor Adam Higgs

17. **Union Membership**
From Councillor Simon Morrall
18. **Collection Crew**
From Councillor Peter Fowler
19. **Strike Contingency Plan**
From Councillor Eddie Freeman
20. **11 December Cabinet**
From Councillor Gareth Moore
21. **Twixtmas Collections**
From Councillor Ewan Mackey
22. **Hygiene on Waste Rounds**
From Councillor Gary Sambrook
23. **Clinical Waste**
From Councillor Suzanne Webb

E To the Cabinet Member for Education, Skills and Culture

1. **Waste Service Review – Time to Read Papers (2)**
From Councillor Zaker Choudhry
2. **Union Membership**
From Councillor Simon Morrall

F To the Cabinet Member for Finance and Resources

1. **Waste Service Review – Time to Read Papers (1)?**
From Councillor Zaker Choudhry
2. **Waste Review – Continue as a Member of the Cabinet**
From Councillor Baber Baz
3. **Union Membership**
From Councillor Simon Morrall

4. **Zero Hours Contracts**

From Councillor Ewan Mackey

5. **Sickness Absence Policy During Industrial Action**

From Councillor Debbie Clancy

G To the Cabinet Member for Health and Social Care

1. **Waste Review – Continue as a Member of the Cabinet (4)**

From Councillor Zaker Choudhry

2. **Fairways**

From Councillor Peter Fowler

3. **Day Opportunities Strategy**

From Councillor Eddie Freeman

4. **Fairways**

From Councillor Debbie Clancy

5. **Enablement Service – Zero Hours**

From Councillor Ewan Mackey

6. **Enablement Service – Benchmark of Costs**

From Councillor Gareth Moore

7. **Union Membership**

From Councillor Simon Morrall

8. **Fairways and Day Opportunities Strategy**

From Councillor Adam Higgs

H To the Cabinet Member for Homes and Neighbourhoods

Union Membership

From Councillor Simon Morrall

I To the Cabinet Member for Social Inclusion, Community Safety and Equalities

1. **Waste Review – Continue as a Member of the Cabinet (3)**

From Councillor Zaker Choudhry

2. **Union Membership**

From Councillor Simon Morrall

J To the Cabinet Member for Transport and Environment

1. **Perry Barr Flyover – Costs Extensive Modelling Work**

From Councillor Jon Hunt

2. **Waste Service Review – Time to Read Papers (3)?**

From Councillor Mike Ward

3. **Bus Lane Scheme – Meet Ward Councillors and Delivery – When and How?**

From Councillor Morriam Jan

4. **Highways PFI Milestones Payments**

From Councillor Tim Huxtable

5. **Union Membership**

From Councillor Simon Morrall

CITY COUNCIL - 15 JANUARY 2019

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

"Waste Strike 2017 - Improve Effectiveness of Cabinet"

Question:

The Waste Service Governance Review of the handling of the 2017 strike made some searing criticisms of the governance of the Council. What steps does the Leader propose to take to improve the effectiveness of the Cabinet?

Answer:

When I became Leader, I made it clear to all Cabinet Members what is expected of them, including the powers and limitations set by the Council's constitution and the law.

We are absolutely committed to learning from what happened during the summer of 2017 and we have already put in a range of measure to make our governance and decision making more robust.

This is not just about Cabinet and as you know we have reviewed our elected member induction programme which was rolled out after the May 2018 elections. In addition our member development programme is being improved as part of a four year plan and the findings of the review can be built into that programme.

Most importantly since April 2018 the Council has made a series of improvements to its Corporate Governance plan to address the issues highlighted in the review which is monitored monthly by the Birmingham Independent Improvement Panel and the Ministry of Housing, Communities and Local Government.

Details can be found within the plan and we have already recognised, as an example, the need for the Council to have an effective and proactive scrutiny function, the need to improve the joint working between members and officers, and to increase the depth of understanding of governance rules and standards.

CITY COUNCIL - 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
MIKE WARD**

"Refuse Strike 2017 - Retain Same Cabinet Members?"

Question:

Does the Leader consider it appropriate to retain the Cabinet Members found by the Waste Service Governance Review to have failed to mount effective challenges to the former Leader during the 2017 refuse strike, given the costs and implications of the actions taken in August 2017?

Answer:

When I became Leader, I made it clear to all Cabinet Members what is expected of them, including the powers and limitations set by the Council's constitution and the law.

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ROGER HARMER

"Exit Payments JNC posts"

Question:

Since 2012 what has been the total cost of exit payments made to employees in JNC posts who have left the Authority?

Answer:

Year	£'000
2012-13	421.0
2013-14	1,057.4
2014-15	611.2
2015-16	2,132.9
2016-17	1,655.2
2017-18	1,331.7
2018-19	832.2
Total	8,041.6

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR MORRIAM JAN

"Commonwealth Games - Finance"

Question:

Could the leader update the Council on arrangements to finance the Commonwealth Games?

Answer:

The budget for the Commonwealth Games will be approved by HM Treasury's Major Projects Review Group (currently advised as first quarter of 2019/20) and the City's assumptions are based on the Games bid submitted in December 2017.

The City Council's commitment is to

- a. Finance the cost of developing the Commonwealth Games Village, of which approximately 32% of the gross cost is supported by government grant. The remainder will be financed by Prudential Borrowing, which will be repaid after the games through asset disposals;
- b. Finance 25% of the cost of the costs of the Organising Committee to include the refurbishment of the Alexander Stadium. It is estimated that up to 40% of the cost to the City will be met by local and regional partner contributions.

Of the net costs, approximately 75% will be capital expenditure financed by Prudential Borrowing. The remaining 25% will be revenue expenditure financed by Business Rates growth.

- c. Internal costs of Programme and Project Management

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR MEIRION JENKINS**

“Obillex”

Question:

How much has the Council invested in total in the company Obillex for its 21% share and what is this investment currently valued at?

Answer:

The council has directly invested £1.125m in Obillex Ltd since May 2015 and holds in its own right 20.7% of the ordinary share capital. The investment is held on BCC's balance sheet at cost and is reviewed annually for impairment or increase.

In 2017 an independent body awarded equity funding to Obillex from a national fund for which BCC acts as accountable body. Consequently BCC holds a further 19% of equity in the company on behalf of this non-BCC fund. BCC will receive no benefit from this holding, will not be liable for any costs or losses (unless wilfully negligent) but manages the governance and shareholder relationship together with its own shareholding.

CITY COUNCIL – 15 JANUARY 2019

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

“Project Overspends”

Question:

The response to written question A9 from December’s Council meeting listed 3 projects where the approval for the revised business case was given as ‘under investigation’ – can you please provide an update on these investigations to either give the dates approval was given or an explanation for why this was not completed?

Answer:

Scheme	Revised Business Case Approved by
Swimming Pool Facilities	Retrospective report to take to Cabinet in progress. Reported at quarterly Capital & Treasury Management Monitoring in 2017/18 and Outturn report.
Community Sport	Overspend was explained and approved in the Capital & Treasury Management Capital Monitoring Quarter 3 2015/16 report to Cabinet.
Community Development & Play	Bournville Baths overspend reported in 2016/17 Final Outturn report to Cabinet.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR ADAM HIGGS**

“GMB Acas Deal”

Question:

When you were first made aware that GMB had taken a dispute over a ‘failure to consult’ to ACAS and that this had been settled with a cash payment? (if the date you were first aware of the dispute and the settlement were different please given both dates)

Answer:

I was made are of the GMB dispute over a failure to consult on 8th January 2018.

I cannot recollect the date on which I was informed that a payment had been made.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR ADRIAN DELANEY**

“Social Care Grant”

Question:

Is any of the £15m social care grant made available to the Council for next year being paid to the Children’s Trust for Children’s Social Care?

Answer:

No decision has yet been made on the use of this funding.

The allocation for Adult and Children's Social Care is split in two parts:

- Winter Pressures – in 2019/20 there is an additional £5.6m which is heavily ring-fenced and needs to be pooled through the Better Care Fund
- Social Care Support Grant – an additional £9.6m of un-ring-fenced grant will be allocated to BCC.

Final decisions on how this funding will be allocated will be taken at a meeting of Full Council on 26 February.

CITY COUNCIL – 15 JANUARY 2019

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR GARY SAMBROOK

“Waste Management Governance Review”

Question:

Were all Cabinet Members asked to contribute to the Waste Management Governance Review?

Answer:

No

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR PETER FOWLER**

“QC Advice for Former Leader”

Question:

The Waste Management Governance Review says that the Council paid the cost of the former Leader’s external legal advice despite concerns over the way it was procured. Can you provide full details of these costs, including total cost, when it was paid and who approved it?

Answer:

1. It was approved for payment on 21 May 2018.
2. £13,819.20 (includes solicitor’s costs, Counsels fees and VAT).
3. Agreed by the City Solicitor/Monitoring Officer in conjunction with the Chief Finance Officer.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR RON STORER**

“External Legal Advice”

Question:

If a Member wishes to get legal advice to challenge a council decision, what is the council process for procuring that?

Answer:

Any legal advice must be sought via the Council's internal Legal Services department with the prior consent of the City Solicitor/monitoring Officer.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR DAVID PEARS**

“Union negotiations”

Question:

On how many occasions have you spoken to ACAS or the Unions regarding an industrial dispute alone (either face to face or by phone) without any officer present?

Answer:

I have had no formal discussions with ACAS or Trades unions alone, either face to face or by phone.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR SIMON MORRALL**

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

GMB
Unison
Unite

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR EDDIE FREEMAN**

“External Legal Advice”

Question:

If any elected member engages external legal advice without following the correct procedures, will the Council pay the cost anyway?

Answer:

No

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR DAVID BARRIE**

“Pool Cars”

Question:

How many pool cars does the Council own/lease?

Answer:

Twelve pool vehicles have been identified to-date as part of the transport review.

2 cars are leased, 6 cars are owned
1 van is leased, 3 vans are owned.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR MAUREEN CORNISH**

“Pool Cars cost”

Question:

How much have the Council spent on the running costs of pool cars in each of the last 3 years?

Answer:

For the pool vehicles identified to date as part of the transport review:

- a. Two electric cars are operated for the out of hours homecare services during the evenings, 7 days a week and are used as pool vehicles by other departments during the day. These were part of a government programme that provided the vehicles for two years, including covering the cost of £2,812 per year (per vehicle) and installing the charging points. The cost to the Council was £500 per vehicle. When the leases expired in July/August 2018 they were extended for an additional year at a cost of £6,000 to continue to support the out of hours homecare services.

Running cost are approximately 7.5 pence per mile, Vehicle Excise Duty tax is zero and servicing is included in the lease cost. With an average mileage of around 8,000 per year, the annual electricity cost to charge the vehicles is approximately £1,200.

- b. Housing operate an electric van with a lease cost of £2,406 per year.
- c. Transport & Connectivity operate 4 cars and 3 vans. Annual operating costs are approximately £13,000 in total.
- d. Birmingham Property Services operate 2 pool cars. Cost information for these is being sought and will follow.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR CHARLOTTE HODIVALA**

“Pool Cars Access”

Question:

How many Officers and Councillors have access to council pool cars (divided between councillors and officers and by directorate)

Answer:

Of the pool vehicles identified to date as part of the transport review:

Two electric cars are operated by the out of hours homecare services during the evenings, 7 days a week. These are also used by officers in Education, Adults and Legal Services, but can be booked by through a Homecare team contact.

One electric van is available to Housing officers.

Transport & Connectivity operate 4 cars and 3 vans, available to their officers.

Birmingham Property Services operate 2 cars that are available to their officers.

CITY COUNCIL – 15 JANUARY 2019

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

“GMB ACAS Payment”

Question:

It has been suggested that the payment for the failure to consult with ACAS was made directly to GMB who distributed it to their members rather through the payroll to individual employees. If this is the case, then the payment should appear on the Council's Open Data website under the figures for all spend over £500, in accordance with the Local Government Transparency Code but I cannot see a payment to 'GMB' listed. In which month was this published and who was listed as the 'vendor name' for the payment(s)?

Answer:

A payment was not made by the Council to the GMB Union. The Council paid GMB Members in Waste Management in respect of their failure to consult claims. As a result, this payment was included as part of the Council's audited accounts under the budget line for Legal Services.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM
COUNCILLOR SIMON MORRALL**

“Union Membership”

Question:

It is a requirement to declare union membership as an interest (and whether or not that membership is pecuniary), whilst Members have been asked to declare this at, or ahead of, previous council meetings it is not consistently listed on the declaration of interest forms currently published online. As this information have been collected, and is publicly disclosable, can you please publish here a full list of all declared interests concerning trade union membership for any city councillor?

Answer:

This municipal year, there have been no occasions where full council has had to declare union membership interests. It would require a significant amount of officer resource to trawl the minutes of every other formal meeting.

Statutory Registers for all members are published on the website and available. If membership of a union falls within employment, office, trade, profession or vocation carried out for profit or gain then members would be required to declare it on the Statutory Register. The wording of the statutory register form is currently being reviewed to ensure openness and transparency of organisations declared under non-pecuniary interests.

It is a requirement for all members to ensure that their statutory register form is kept up to date, and if any member is uncertain of their requirement to declare such organisations then they should seek advice from the Monitoring Officer.

CITY COUNCIL – 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR SIMON MORRALL

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

National Education Union

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS, WASTE AND RECYCLING FROM COUNCILLOR BABER BAZ

"Waste Collection - First Class Service"

Question:

In a recent press quote, the Cabinet Member referred to waste collection in Birmingham being a "first class" service. Does he consider two outbreaks of serious industrial action in 18 months to be the kind of first class service to be expected from his far-left agenda?

Answer:

I became Cabinet Member on 22 May last year and have work tirelessly with Officers and Trade Unions to build a first class service. I remain committed to this aim and will continue to work with Trade Union colleagues to resolve this dispute.

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS, WASTE AND RECYCLING FROM COUNCILLOR ZAKER CHOUDHRY

"Waste Collection - First Class Service (2)"

Question:

In a recent press quote, the Cabinet Member referred to waste collection in Birmingham being a "first class" service. Does he consider it provided a first class service following the introduction of the new working arrangements last September?

Answer:

I became Cabinet Member on 22 May last year and since then I have worked tirelessly with Officers and Trade Unions to build a first class service and whilst some challenges still exist I am committed to this aim and will continue to work with all to deliver a service that meets the needs of residents.

CITY COUNCIL - 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS, WASTE
AND RECYCLING FROM COUNCILLOR MORRIAM JAN**

"Recycling - Working Arrangements Inadequate?"

Question:

While Unite has been conducting its work to rule, the service has been unable to collect recycling. Does this suggest that the working arrangements introduced in September 2018 are inadequate for providing a full service of general and recycling collections?

Answer:

Regrettably the current Industrial Action is impacting on all collections but I can confirm that during the consultation for the new service a number of pilots were carried out to ensure that the timings for collections were correct and that the rounds proposed were achievable.

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS, WASTE AND RECYCLING FROM COUNCILLOR MIKE WARD

"Waste Review - Continue as a Member of the Cabinet (2)"

Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who "collectively" failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017 you confirmed in writing that you "agreed to support" a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August, and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a Cabinet Member.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR MAUREEN CORNISH**

“WRCO interventions”

Question:

Since the last Council meeting, how many interventions have been made by WRCOs with residents to improve recycling (broken down by type of intervention)?

Answer:

There are two main data collection forms which are used by the WRCOs relating to recycling, F01 - Recycling Participation and F02 - Resident Engagement.

From 4 December 2018 to 8 January 2019:

- **F01:** 489 of the Recycling Participation forms have been completed. Of these 27 have identified specific streets as only presenting between 0-25% of their recycling bins for collection. All 27 have been referred to the Waste Prevention Unit to visit these streets and offer advice and education to residents.
- **F02:** 46 Resident Engagement forms have been completed. These forms document advice and information issued to individual residents by the WRCO.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR BRUCE LINES**

“WRCO Job Description”

Question:

In the job description for Waste Reduction and Collection Officer, what is listed under the section for ‘Supervision Received’ including, supervising officer job title and level of supervision

Answer:

SUPERVISION RECEIVED

SUPERVISING OFFICER JOB TITLE:

Daily supervision by Driver Team Leader

Line Managed by Assistant Service Manager (WRCO Lead)

LEVEL OF SUPERVISION

1. Plan own work to ensure the meeting of defined objectives.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR DAVID PEARS**

“Driver Team Leader Job Description”

Question:

**In the job description for Driver Team Leader in the waste collection service,
what is listed under the section for ‘Supervision Given’**

Answer:

POST TITLE	GRADE	NO OF POSTS	LEVEL OF SUPERVISION*
Leading Hand	GR3	1	3
Loader	GR2	2	2

*Use 1,2 or 3 as in 3.2

This job description will be reviewed as part of the restructure of Waste Management to ensure that the terminology reflects current arrangements and job titles.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR DAVID BARRIE**

“Waste Disposal Contract”

Question:

What is the net impact on the 19/20, 20/21, 21/22 and 22/23 budget of the decision to extend the waste disposal contract by 5 years?

Answer:

The decision to extend the waste disposal contract will be reconsidered by Cabinet on the morning of 15 January 2019 following a call in by Scrutiny.

The budget for the service will be reflected in the proposed budget for 2019/20 which will be presented to Cabinet in February 2019.

CITY COUNCIL – 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR CHARLOTTE HODIVALA

“Waste Staff Sickness”

Question:

How many waste collection staff (total number and percentage) reported in sick on each day between 24 December 2018 and 11 January 2019?

Answer:

As at January 2019, there are 417 staff in waste collection. The table below indicates the number of staff from this group who reported in sick on the days stated:

Row Labels	Grand Total	Percentage of Workforce absent on each date
24/12/2018	2	0.42%
27/12/2018	3	0.64%
28/12/2018	2	0.42%
31/12/2018	3	0.64%
02/01/2019	6	1.27%
03/01/2019	4	0.85%

Of the staff whose absence started on the 24 December 2018, both returned to duty on the 28 December 2018. Of the staff whose absence started on the 27 December 2018 one member of staff returned to duty on the 28 December 2018. All other absences at the time of writing are continuing.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR DEBBIE CLANCY**

“Hand washing facilities”

Question:

During the 2017 industrial action, when the issue emerged of waste crews having to return to the depot for breaks for hygiene reasons, it was suggested by opposition members that the council looks to install hand washing facilities on the wagons, as happens elsewhere. Since then what has happened to explore this idea further?

Answer:

The new vehicles purchased from 2013 to 2015 all have hand washing facilities to the vehicles (approximately 75% of our fleet) and all are currently operational.

All crews have been given toolbox talks on hand washing and hygiene.

All new vehicles will have hand washing facilities.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR RON STORER**

“Cabinet decision on Waste Management”

Question:

A Cabinet report of 26 March 2012, entitled ‘FLEET AND WASTE MANAGEMENT – FUTURE OPERATING MODEL AND SERVICE REDESIGN’ set out proposed changes to the waste management and other council services that were agreed, by what date were all these fully implemented?

Answer:

There were a number of recommendations contained within the private Cabinet report of March 2012. In 2012 the service trialled wheeled bins before moving to a full roll out across the City in 2013 which impacted on some of the recommendations. Since then the service has been through a number of redesigns to reflect the changing needs of the City Council and the residents of Birmingham culminating in the Memorandum of Understanding agreed and implemented in September 2017.

CITY COUNCIL – 15 JANUARY 2019

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

“Acting-up 1 ”

Question:

**Within the waste collection service how many staff are currently ‘acting-up’
into roles above their substantive pay-grade?**

Answer:

A total of four staff are currently ‘acting-up’ within the waste collection service. Two of these staff have been successful following the recent recruitment in the service and are awaiting a formal start date.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR MATT BENNETT**

“Acting-up 2”

Question:

Within the waste collection service how long has the member of staff currently ‘acting-up’ into a role above their substantive pay-grade for the longest being doing that enhanced role?

Answer:

The longest ‘act-up’ in place in the waste collection service is approximately two years for two members of staff. However, they have been successful following the recent recruitment in the service and are awaiting a formal start date.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR KEN WOOD**

“Acting-up 3”

Question:

Within the waste collection service how many staff have been ‘acting-up’ into a role above their substantive pay-grade for longer than 12 weeks, 6 months and 12 months?

Answer:

A total of four staff are currently ‘acting-up’ within the waste collection service. Two for longer than 12 weeks and two for longer than 12 months. The two staff who have been in ‘act-up’ for more than two years have been successful following the recent recruitment in the service and are awaiting a formal start date.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR ADRIAN DELANEY**

“Acting-up 4”

Question:

Within the waste collection service how many staff have been asked to ‘act-up’ into a role above their substantive pay-grade since the commencement of industrial action on 29 December 2018?

Answer:

No new act ups have been put in place since the commencement of Industrial Action on 29th December 2018.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR ADAM HIGGS**

“Promotions”

Question:

Within the waste collection service since the commencement of industrial action on 29 December 2018 how many members of staff have been permanently promoted, or offered promotion? (i.e. from G2 loader to G3 WRCO, or from G3 WRCO to G4 Driver)

Answer:

No staff have been permanently promoted or offered promotion since the 29th December 2018.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR SIMON MORRALL**

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

Unite
GMB

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR PETER FOWLER**

“Collection Crew”

Question:

What is the minimum requirement in terms of composition of different grades of staff that is needed for a waste collection vehicle to be able to go out on its round? (i.e. is it 1 driver, 1 WRCO and 1 loader or is there more flexibility to go with just 2 crew members or 2 loaders plus driver rather than an WRCO on each round?)

Answer:

The Memorandum of Understanding states a refuse crew should be made up of 1x Driver, 1x WRCO and 1x Loader.

With container crews this consists of 1x Driver and 1x WRCO with no Loader.

We must comply with this legal requirement.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR EDDIE FREEMAN**

“Strike Contingency Plan”

Question:

Your email of 22 December to all members stated that “In the event of industrial action citizens will receive one collection of all waste types per week, rather than separate pick-ups for household rubbish and recycling on their current collection day” Public communication reiterated this point, but this was later amended to state that waste and recycling should still be separated by households and a number of ‘contaminated’ bins were not collected.

Given you presumably agreed the original contingency plan, and drafted the email to councillors referred to above, at what point did you change your mind (and why) and decide that recycling and residual waste should be kept separate?

Answer:

Prior to the commencement of the industrial action it was felt that in the event of strike action the most expedient way to reduce the amount of waste on the streets of Birmingham and for the most efficient use of additional resources would be for a single collection of residual and recycling.

What has transpired is that crews are working to rule meaning that they are still undertaking their normal duties and therefore the additional resources are being directed to non-collections irrespective of whether those are residual or recycling.

CITY COUNCIL – 15 JANUARY 2019

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

“11 December Cabinet”

Question:

I understand that at the Cabinet Meeting of 11 December, you had to leave the room during the decision on Council Run Day Nurseries for an important phone call. For the avoidance of doubt, can you clarify how you would have voted had you been present?

Answer:

Given that the decision was taken by Cabinet and has been implemented, the way I would have voted is now irrelevant.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR EWAN MACKEY**

“Twixtmas Collections”

Question:

Other than emailing council members what publicity took place to advise residents that collections would take place on weekend of 29/30th December to give them the chance to put their bins out?

Answer:

The contingency plan was confirmed on 21 December 2018. To publicise the plan a press release was issued to local media (print, broadcast and online) and followed up with phone calls to reporters.

Messages publicising the plan were also issued through the corporate social media channels (Twitter and Facebook). This meant that c.90,000 people across the city received the message.

The Council's website hosted the details of the plan but because the site as a whole gets in excess of 2m unique visitors a month a link to the contingency plan was placed across the whole of the website. This received 6,913 clicks in the week after the information was published.

The message about the contingency plan was received and acted on by a significant number of people. For example the number of unique visitors to the page hosting the contingency plan increased from 3,728 unique visitors (w/c 10/12/18) to 15,230 unique visitors (17/12/18) to 49,518 unique visitors (w/c 24/12/18). This represents an increase of 1,328% from w/c 10/12/18 to w/c 24/12/18.

The plan continues to be promoted through the Council's corporate social media accounts and other communication channels such as the fortnightly email 'Birmingham Bulletin', which is sent to 82k subscribers. The last edition was sent on 28 December 2018.

A briefing was also shared with contact centre staff and information was published on the Council's Yammer site to help ensure as many people as possible were aware of the plan.

CITY COUNCIL – 15 JANUARY 2019

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

“Hygiene on waste rounds”

Question:

If, as part of ‘working to rule’, waste collections crews have to return to the depot for breaks in order to access hand washing facilities, does that mean that the rest of the time they are breaching health and safety requirements by not returning to the depot? If not then why not?

Answer:

Prior to the industrial action crews were taking their breaks ‘on the patch’. By remaining out on the patch they are not breaching health and safety as they have the option of using sterile hand wipes, gels and sinks on vehicles, where available. Crews have also been issued with lists of Council properties where they are able to use the facilities if required. All crews have been given toolbox talks on hand washing and hygiene.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
WASTE AND RECYCLING FROM COUNCILLOR SUZANNE WEBB**

“Clinical Waste”

Question:

Can you please provide copies of all procurement decisions relating to Clinical Waste since 2012?

Answer:

There have been no procurement decisions relating to Clinical Waste since 2012.

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR ZAKER CHOUDHRY

"Waste Service Review - Time to Read Papers (2)?"

Question:

According to the Waste Service Governance Review, decision makers must read all the papers that have been provided and that are relevant to the decision they are about to make. Failure to do so, out of laziness, insufficient time or a belief that they are irrelevant would be a breach of their duty.

Given that Cabinet agendas are typically 1,000 pages long – and often include significant reports that arrive late – could you inform Council of how much time you set aside in your diary to read these papers?

Answer:

As much time as is necessary.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION,
SKILLS AND CULTURE FROM COUNCILLOR SIMON MORRALL**

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

None

CITY COUNCIL - 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR ZAKER CHOUDHRY**

"Waste Service Review - Time to Read Papers (1)?"

Question:

According to the Waste Service Governance Review, decision makers must read all the papers that have been provided and that are relevant to the decision they are about to make. Failure to do so, out of laziness, insufficient time or a belief that they are irrelevant would be a breach of their duty.

Given that Cabinet agendas are typically 1,000 pages long – and often include significant reports that arrive late – could you inform Council of how much time you set aside in your diary to read these papers?

Answer:

As much time as is necessary.

CITY COUNCIL - 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR BABER BAZ**

"Waste Review - Continue as a Member of the Cabinet"

.Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who "collectively" failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017 you confirmed in writing that you "agreed to support" a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August, and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a Cabinet Member.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR SIMON MORRALL**

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

I am a member of University and College Union (UCU) and I am not sponsored by any Trade Union.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR EWAN MACKEY**

“Zero Hours Contracts”

Question:

Is anyone in the Council employed on a zero hours contract?

Answer:

Yes, in roles where the work is ad hoc, such as Adult Education Tutors and Clerks to Governing Bodies, however these are not exploitative zero hours contracts.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR DEBBIE CLANCY**

“Sickness Absence Policy during industrial action”

Question:

Does the Council require any additional sickness absence reporting arrangements during periods of industrial action (e.g. a doctor's note from the first day of absence as is common elsewhere) and is this consistent across different council services and different disputes?

Answer:

Yes, during strike action the council consistently applies that if employees are absent due to sickness a medical 'fit note' must cover the absence, even if it is for one day only.

If there is industrial action short of strike, then employees are not actually on strike.

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE FROM COUNCILLOR ZAKER CHOUDHRY

"Waste Review - Continue as a Member of the Cabinet (4)"

Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who "collectively" failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017 you confirmed in writing that you "agreed to support" a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August, and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a Cabinet Member.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR PETER FOWLER**

“Fairways”

Question:

Since the 16+ budget decision to close 2 day centres, one of which was later identified as Fairways, how much has been spent in total on the failed attempts to close the centre, including costs of the consultations, cost of legal action etc.

Answer:

The exact costing relating to the Budget Decision Implementation work have not been tracked or recorded. Previous Cabinet Questions relating to previous Papers on the Younger Adult Day Centres Consolidation recorded the Officer time spent in Consultation and Meetings which was extensive. Costs have been through Officer time and established budgets in the main. The legal proceedings are not yet resolved and it is therefore not possible at this time to provide the cost associated to this.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR EDDIE FREEMAN**

“Day Opportunities Strategy”

Question:

Following the judicial review what is the net impact on the Council’s revenue budget in both 18/19 and 19/20 of any changes or delays needed to the Day Opportunities Strategy and the Fairways Day Centre?

Answer:

There has not been a Judicial Review.

On the 18th October 2018 the Council was issued with proceedings from a claimant preventing implementation of the Day Opportunity Strategy on the grounds of failure to consult. The Council accepted this position. There is no impact on the revenue budget of this.

On the 1st November 2018 the Council was issued with an Interim Order preventing the Council from taking any further action to close Fairway Day Centre or any action that may impact on closure such as staff redeployment or service user moves. The Claim was late but approved by the High Court pending a Judicial Review Challenge based on failure to Consult. The consequence of the order is that the Cabinet decision of July 2018 has been quashed by the Court.

There is no net impact on the revenue budget for 18/19 and 19/20 as a consequence of this decision.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR DEBBIE CLANCY**

“Fairways”

Question:

**For how long can users of the Fairways Day Centre now be confident that it
will remain open?**

Answer:

The work to close Fairway day centre has now stopped.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR EWAN MACKEY**

“Enablement Service – Zero Hours”

Question:

In order to put to rest troubling suggestions made in online forums, can the Cabinet Member confirm if any employees within the Enablement Service are currently on, or have been asked to move onto a zero hours contract?

Answer:

There are no staff on zero hours contract and no plans to employ staff on zero contracts within Adult Social Care.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR GARETH MOORE**

“Enablement Service – Benchmark of Costs”

Question:

What is the hourly rate of the current and proposed enablement service compared to national benchmarks in the public and private sector?

Answer:

The hourly rate for the current service is £62.02 per hour and £46.00 for the proposed enablement service. Benchmarking suggests that enablement costs range across the country from as little as £11 per hour for externally commissioned services in one authority and as much as £38 per hour for internal services in another.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR SIMON MORRALL**

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

GMB

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR ADAM HIGGS**

“Fairways and Day Opportunities Strategy”

Question:

What were the full terms of the Council’s settlement for the judicial review into the closure of the Fairways Centre and the Day Opportunities Strategy?

Answer:

These matters are not yet finalised and therefore I am unable to report on these in full as requested.

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR SIMON MORRALL**

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

Unison

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR SOCIAL INCLUSION,
COMMUNITY SAFETY AND EQUALITIES FROM COUNCILLOR ZAKER
CHOUDHRY

"Waste Review - Continue as a Member of the Cabinet (3)"

Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who "collectively" failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017, you confirmed in writing that you "agreed to support" a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a cabinet member

CITY COUNCIL – 15 JANUARY 2019

**WRITTEN QUESTION TO THE CABINET MEMBER FOR SOCIAL INCLUSION,
COMMUNITY SAFETY AND EQUALITIES FROM COUNCILLOR SIMON
MORRALL**

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

GMB

Sponsorship 2012 election from UNITE

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR JON HUNT

"Perry Barr Flyover - Costs Extensive Modelling Work"

Question:

Could the Cabinet Member spell out the costs, explaining how it is funded, for the extensive "modelling" work that has been undertaken over the last six months in pursuit of the administration's ambition to demolish the Perry Barr flyover?

Answer:

An external consultant was commissioned in Spring 2018 to develop options for the A34/A453 junction that is required to be modified as part of the proposed residential development. The commissioned work included traffic modelling.

The cost of the modelling work, which is ongoing, is £37,000 and is funded from Government Infrastructure Grant. The modelling work is a key element of the options development work and necessary to provide traffic data outputs to enable Cabinet to decide which option to take forward.

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MIKE WARD

"Waste Service Review - Time to Read Papers (3)?"

Question:

According to the Waste Service Governance Review, decision makers must read all the papers that have been provided and that are relevant to the decision they are about to make. Failure to do so, out of laziness, insufficient time or a belief that they are irrelevant would be a breach of their duty.

Given that Cabinet agendas are typically 1,000 pages long – and often include significant reports that arrive late – could you inform Council of how much time you set aside in your diary to read these papers?

Answer:

As much time as is necessary.

CITY COUNCIL - 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MORRIAM JAN

"Bus Lane Scheme - Meet Ward Cllrs and Delivery - When and How?"

Question:

In a press statement on 21st December, the Cabinet Member announced he had been in "regular" contact with Transport for West Midlands about a bus lane scheme on the A34 that would be "acceptable to local residents." This was a welcome surprise to local residents given the answers he had given in public questions to them in the Council Chamber and, I understand, at a private meeting he attended at the Towers Public House on Saturday, 18th December. This followed my oral question at the Council meeting the previous Tuesday but, curiously, I was not notified of it. Given that he has stated he is unavailable to attend the ward forum later this month, when will he meet the Ward Councillors to discuss what sort of scheme will be acceptable to local residents and how is he going to deliver it?

Answer:

The Sprint scheme on Walsall Road will be delivered by Transport for the West Midlands on behalf of the West Midlands Combined Authority. A legal agreement will be required between the City Council and WMCA prior to work commencing.

Meetings are to be arranged shortly with TfWM, to discuss how the scheme can be developed to mitigate residents' concerns where possible, and the final proposals will be subject to a Full Business Case to Cabinet in Summer 2019. Ward Councillors and Residents' Groups will be kept informed during the design development process.

A meeting is scheduled for 24 January to meet Councillor Jan regarding highway options for the CWG. This can include the Sprint scheme and Councillor Hunt is welcome to attend.

I am also attending the Perry Barr Ward Forum on 20 February 2019 when this will be discussed.

CITY COUNCIL – 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR TIM HUXTABLE

“Highways PFI Milestones Payments”

Question:

Could the Cabinet Member confirm that payments were made under the Highways Management and Maintenance PFI partnership with AMEY up to and including December 2012 (milestone 5) following the sign-off by city council officers managing the contract that the work under these milestones met the performance criteria and that it was only from June 2013 (milestone 6) that payment has been withheld because of performance issues under the contract?

Answer:

1. Under the Highway Maintenance and Management PFI (HMMPFI) contract the completion of Milestones during the Core Investment Period is certified by an Independent Certifier (“IC” – which is WS Atkins). The IC determines whether a milestone is achieved contractually and both parties are bound by the contract to adhere to the IC’s certification.
2. The IC certified Milestones 1 to 9 following application by Amey Birmingham Highways Ltd (ABHL) between November 2010 and March 2015. Uplifts in payment were only made following the certification of Milestones.
3. In common with most contracts, the HMMPFI contract has provisions that enable the parties to dispute matters (the “Dispute Resolution Procedure” or “DRP”). The DRP is three stage:
 - a. For the parties to seek to agree the matter between themselves;
 - b. To appoint an Adjudicator to determine the matter; or
 - c. To refer the matter to either the courts (on points of law) or arbitration.
4. Payments have been withheld from ABHL for “performance issues” essentially in connection with two forms of performance issue:
 - a. Failure to complete Core Investment Milestones; and
 - b. Failure to meet performance targets for a range of non-investment-related matters.
5. Regarding the failure to complete Core Investment Milestones:
 - a. Following an adjudication outcome in July 2015 (which set aside Milestones 6 to 9) the council commenced withholding the uplift in respect of those four Milestones from the next payment (August 2015). This was in accordance with the contract.

- b. Following the judgment of the High Court in September 2016 (which reinstated Milestones 6 to 9) the council recommenced paying the Milestone 6 to 9 uplift from September 2016. It was obliged to repay all amounts withheld from August 2015 to August 2016 in accordance with the judgment, with repayment made in December 2016 and January 2017.
 - c. The Court of Appeal set aside Milestones 6 to 9 on the basis that the IC certified in manifest error in February 2018. The council recommenced withholding the Milestone 6 to 9 uplift from March 2018. The courts have also determined that the council is entitled to repayment of the Milestone 6 to 9 uplift from ABHL back to June 2013 with interest.
6. Regarding the failure to meet performance targets for a range of non-investment-related matters:
- a. It is part of the normal performance management process that financial deductions will arise for failures to meet the contract requirements. These are dealt with through a monthly 'adjustment' process.
 - b. In general, such matters should be agreed between the parties. Adjustments have been made since the start of the contract for performance failures.
 - c. The council first withheld payments under the contract in June 2012 for disputed performance adjustments. As ABHL has failed to perform in accordance with the contract, since November 2015 there has been a steady increase in the volume and value of the adjustments made, with disputed amounts being withheld almost every month since.
7. The council is therefore obliged to pay according to the IC's certification until any disputes were agreed or determined. The council has made all payments in accordance with the contract at all times. To not do so would be a breach of contract with adverse consequences for the council. It is therefore incorrect to state that these were "*signed off by officers managing the contract*", as all matters have been either paid, or withheld with due contractual reason and / or disputed.

CITY COUNCIL – 15 JANUARY 2019

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR SIMON MORRALL

“Union Membership”

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

I am a member of Unite union.

I do not receive any direct sponsorship.