BIRMINGHAM CITY COUNCIL

MEETING OF THE CITY COUNCIL

TUESDAY, 01 FEBRUARY 2022 AT 14:00 HOURS
IN HOLTE SUITE, VILLA PARK, TRINITY ROAD, ASTON, BIRMINGHAM, B6 6HE

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 meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

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

5 - 82

3 **MINUTES**

To confirm and authorise the signing of the Minutes of the meeting of the Council held on 11 January 2022.

4 **LORD MAYOR'S ANNOUNCEMENTS**

(1400-1410)

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

5 **PETITIONS**

(10 minutes allocated) (1410-1420)

To receive and deal with petitions in accordance with Council Rules of Procedure (B4.4 E of the Constitution)

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.

6 **QUESTION TIME**

(70 minutes allocated) (1420-1530)

To deal with oral questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

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

B. Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair (up to 10 minutes)

C. Questions from Councillors other than Cabinet Members to a Cabinet Member (up to 20 minutes)

D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (up to 20 minutes)

7 **APPOINTMENTS BY THE COUNCIL**

(5 minutes allocated) (1530 - 1535)

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

83 - 88

8 **LEAD MEMBER REPORT: WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

(**20 minutes allocated) (1535-1555)**

To consider a report of the Lead Member of the West Midlands Fire and Rescue Authority.

Councillor Zafar Iqbal to move the following Recommendation:

"That the report be noted."

89 - 110

9 **ANNUAL REPORT 2020-21, AUDIT COMMITTEE**

(**35 minutes allocated) (1555-1630)**

To consider a report of the Chair of Audit Committee.

Councillor Fred Grindrod to move the following Motion:

"That the Report be noted"

(break 1630 - 1700)

111 - 156

10 **GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES**

(**30 minutes allocated) (1700-1730)**

To consider a report of Licensing and Public Protection Committee

Councillor Phil Davis to move the following Motion:

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

(i) the City Solicitor to update the list of Policy Framework Plans to include the same; and

(ii) the Interim Assistant Director of Regulation and Enforcement to do what is necessary to publish and comply with the same."

157 - 164

11 **APPOINTMENT OF EXTERNAL AUDITOR FROM 2023/24**

(**15 minutes allocated) (1730-1745)**

To consider a report of Director of Council Management.

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

“That the Council accepts Public Sector Audit Appointments’ invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.”

165 - 166

12 **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

(90 minutes allocated) (1745-1915)

To consider the attached Motions of which notice has been given in accordance with Council Rules of Procedure (B4.4 G of the Constitution).

MEETING OF BIRMINGHAM CITY COUNCIL, TUESDAY, 11 JANUARY 2022

MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD ON TUESDAY, 11 JANUARY 2022 AT 1330 HOURS IN THE HOLTE SUITE, VILLA PARK, TRINITY ROAD, ASTON, BIRMINGHAM

PRESENT:- Lord Mayor (Councillor Muhammad Afzal) in the Chair.

Councillors

Akhlaq Ahmed
Mohammed Aikhlaq
Deirdre Alden
Robert Alden
Baber Baz
Matt Bennett
Kate Booth
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Zaker Choudhry
Liz Clements
Maureen Cornish
John Cotton
Phil Davis
Diane Donaldson
Peter Fowler
Jayne Francis
Eddie Freeman
Fred Grindrod
Paulette Hamilton
Roger Harmer
Deborah Harries
Kath Hartley
Adam Higgs
Charlotte Hodivala
Jon Hunt
Shabrana Hussain
Timothy Huxtable
Mohammed Idrees
Zafar Iqbal
Morriam Jan
Kerry Jenkins
Meirion Jenkins
Brigid Jones
Mariam Khan
Zaheer Khan
Narinder Kaur Kooner
Chaman Lal
Mike Leddy
Bruce Lines
John Lines
Mary Locke
Ewan Mackey
Majid Mahmood
Karen McCarthy
Gareth Moore
Simon Morrall
Yvonne Mosquito
David Pears
Robert Pocock
Julien Pritchard
Carl Rice
Darius Sandhu
Kath Scott
Shafique Shah
Mike Sharpe
Sybil Spence
Martin Straker Welds
Saima Suleman
Paul Tilsley
Lisa Trickett
Ian Ward
Mike Ward
Ken Wood
Alex Yip

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NOTICE OF RECORDING

19576 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 except where there are confidential or exempt items.

The Lord Mayor reminded Members that they did not enjoy Parliamentary Privilege in relation to debates in the Chamber and Members should be careful in what they say during all debates that afternoon.

DECLARATIONS OF INTERESTS

19577 The Lord Mayor reminded members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting.

Councillor Narinder Kaur Kooner declared an interest in respect of agenda item 8, as it discussed the work of the Birmingham Community Safety Partnership (BCSP) and exempt properties, and she provided support to victims of abuse, some of whom were in exempt properties.

MINUTES

It was moved by the Lord Mayor, seconded and –

19578 **RESOLVED:-**

That the Minutes of the meeting held on 7 December 2021 having been circulated to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

A. Death of former Councillor, Honorary Alderman Catherine Finegan

The Lord Mayor indicated that, once again, he must begin his announcements with some extremely sad news.

With sorrow, the Lord Mayor announced the death of former Councillor, Honorary Alderman Catherine Finegan who passed away on the 13 December.

The Lord Mayor noted that Cath was elected and served as a Councillor for 20 years representing Saltley Ward from 1978 to 1982; and Nechells Ward

from 1982 to 1994 and from 1995 to 1999. The Lord Mayor advised that Cath became an Honorary Alderman on 17 May 1994 and during her time on the Council she served on numerous Committees and outside bodies.

The Lord Mayor noted that Cath leaves behind six children, as well as grandchildren and great grandchildren; and asked all to join him in extending to them our deepest condolences.

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

19579 **RESOLVED**:-

That this Council places on record its sorrow at the death of former Councillor, Honorary Alderman Catherine Finegan and its appreciation of her devoted service to the residents of Birmingham. The Council extends its deepest sympathy to members of Cath's family in their sad bereavement.

Members and officers stood for a minute's silence, following which a number of tributes were made by Members.

B. Death of former Councillor James Sweeney

19580 The Lord Mayor indicated that Members would now pay tribute to former Councillor James Sweeney, whose death was announced at the Council meeting in September 2020.

The Lord Mayor indicated that Jim served as a Councillor for Longbridge Ward from May 1972 to May 1975, during which time he served on a number of Committees and outside bodies.

The Lord Mayor advised that Jim leaves behind his wife, Suzi; and asked all to join him in extending to her and the rest of the family our deepest condolences.

Members and officers stood for a minute's silence, following which a number of tributes were made by Members.

C. Death of Jack Dromey MP

The Lord Mayor noted that colleagues would have no doubt heard the shocking news of the sudden death of Jack Dromey MP on Friday of last week.

The Lord Mayor indicated that Jack was elected and served as MP for Birmingham Erdington since 2010 and had sadly passed away in his

Constituency home on Friday morning, having spoken in a Commons debate just the previous day.

The Lord Mayor continued that Jack leaves behind his wife, fellow MP Harriet Harman, and their three children; and asked all to join him in extending them our deepest condolences.

19581 **RESOLVED**:-

That this Council places on record its sorrow at the death Jack Dromey MP and its appreciation of his devoted service to the residents of Birmingham. The Council extends its deepest sympathy to members of Jack's family in their sad bereavement.

D. Queen's New Year's Honours

19582 The Lord Mayor indicated that he was delighted to congratulate those mentioned in the Queen's New Year's Honours list this year for services to Birmingham or who live in Birmingham as follows:-

Awarded a CBE were:

- Sandra May Bowker; and
- Professor Mark Radford

An OBE

- Dr Nira Cyril Chamberlain; and
- Andrew Ian Lovett

An MBE

- Maxine Elizabeth Espley
- Lynne McLeod-Finch
- Seamus Patrick Gaynor
- Edwina Jayne Langley
- Jacqueline Mary O'Hanlon
- Deborah Michelle Sewell; and
- Paul Shaw

And the British Empire Medal:

- Adill Hadi
- Carolyn June Harbourne
- Rosalie Veronica Jones
- Isobel Shirley Knowles
- Edward O'Hara
- Gulam Muhammad Teladia

The Lord Mayor asked those in the meeting to join him in congratulating them all on those marvelous achievements.

E. Defence Employer Recognition Scheme

19583 The Lord Mayor indicated that he was pleased to inform Members that Birmingham City Council had received a silver award under the Defence Employer Recognition Scheme, which recognises employer organisations that pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant.

The Lord Mayor asked Members to join him in congratulating all those involved in this wonderful achievement.

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 -

19584 **RESOLVED**:-

That the petitions be received and referred to the relevant Chief Officer(s) to examine and report as appropriate.

Petitions Update

The following Petitions Update had been made available electronically:-

(See document No. 2)

It was moved by the Lord Mayor, seconded and -

19585 **RESOLVED**:-

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

QUESTION TIME

19586 The Council proceeded to consider Oral Questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

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

APPOINTMENTS BY THE COUNCIL

Following nominations from Councillor Martin Straker Welds it was-

19587 **RESOLVED:-**

That the appointments be made to serve on the Committees and other bodies set out below:-

West Midlands Police and Crime Panel

Councillor Alex Aitken (Lab) to replace Mick Brown (Lab) on the Panel for the period ending with the Annual Meeting of City Council in May 2022

Housing and Neighbourhoods Overview and Scrutiny Committee

Councillor Kate Booth (Lab) to fill the vacancy created by the death of Councillor Penny Holbrook (Lab) on the Committee and become the Chair for the period ending with the Annual Meeting of City Council in May 2022

As a result of the above appointment Councillor Kate Booth becomes a Member of the Co-Ordinating Overview and Scrutiny Committee.

EXECUTIVE BUSINESS REPORT

The Lord Mayor repeated the declaration of interest made by Councillor Narinder Kaur Kooner earlier in the meeting as it had not been picked up by the audio and cameras for the webstream.

The following report from the Cabinet was submitted:-

(See document No. 3)

The Leader, Councillor Ian Ward and Councillor John Cotton moved the recommendation which was seconded.

In accordance with Council Rules of Procedure, Councillors Jon Hunt and Roger Harmer gave notice of the following amendment to the Motion:-

(See document No. 4)

Councillor Jon Hunt moved the amendment which was seconded by Councillor Roger Harmer.

In accordance with Council Rules of Procedure, Councillors Timothy Huxtable and Peter Fowler gave notice of the following amendment to the Motion:-

(See document No. 5)

Councillor Timothy Huxtable moved the amendment which was seconded by Councillor Peter Fowler.

A debate ensued.

The Leader, Councillor Ian Ward and Councillor John Cotton replied to the debate.

As a point of order, Councillor Robert Alden, noted that in his response the Leader had indicated that the Conservative group did not support the new Tamworth railway line reopening and the Sutton Park railway line which

would deliver new stations and he noted that in the document from the council to Central Government included Conservative MP Andrew Mitchell's support for them. He continued that the Conservative group had publicly supported the schemes and the Conservative speakers at the meeting had supported the schemes. Councillor Alden called upon the Leader to withdraw his inaccurate statement. The Leader did not accept that the Conservative group supported the type of changes that the administrations wished to see on the railways. He did however recognise Conservative MP Andrew Mitchell's support.

The first amendment to the recommendation in the names of Councillors Jon Hunt and Roger Harmer having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

The second amendment to the recommendation in the names of Councillors Timothy Huxtable and Peter Fowler having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

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

It was therefore-

19588 **RESOLVED**:-

That the report be noted.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

19589 **RESOLVED**:-

That the Council be adjourned until 1630 hours on this day.

The Council then adjourned at 1606 hours.

At 1633 hours the Council resumed at the point where the meeting had been adjourned.

ROUTE TO ZERO – ANNUAL PROGRESS REPORT

The following report of the Director Planning, Transport and Sustainability was submitted:-

(See document No. 6)

The Deputy Leader, Councillor Brigid Jones moved the Motion which was seconded by Councillor Peter Fowler.

In accordance with Council Rules of Procedure, Councillors Roger Harmer and Julien Pritchard gave notice of the following amendment to the Motion:-

(See document No. 7)

Councillor Roger Harmer moved the amendment which was seconded by Councillor Julien Pritchard.

In accordance with Council Rules of Procedure, Councillors Lisa Trickett and Liz Clements gave notice of the following amendment to the Motion:-

(See document No. 8)

Councillor Lisa Trickett moved the amendment which was seconded by Councillor Liz Clements.

In accordance with Council Rules of Procedure, Councillors Deirdre Alden and Simon Morrall gave notice of the following amendment to the Motion:-

(See document No. 9)

Councillor Deirdre Alden moved the amendment which was seconded by Councillor Simon Morrall.

There been no further debate the Deputy Leader, Councillor Brigid Jones replied to the debate.

The first amendment to the Motion in the names of Councillors Roger Harmer and Julien Pritchard having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

The second amendment to the Motion in the names of Councillors Lisa Trickett and Liz Clements having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The third amendment to the Motion in the names of Councillors Deirdre Alden and Simon Morrall having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

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-

19590 **RESOLVED**:-

(i) To note the Action Plan Progress Report and the progress on wave 1 projects identified within it:

(ii) To note the Council's R20 Climate Change and Sustainability Team structure which is to be led by the new Assistant Director for Climate Change and Sustainability. The resources for which have been approved by the October 2021 Cabinet meeting. The detailed structure of the team is shown in appendix 2;

(iii) Council resolves to formally endorse the call for a Fossil Fuel Non-Proliferation Treaty;

That the Leader of Birmingham City Council, on behalf of Birmingham send a letter to the Prime Minister urging the UK government to support the global initiative for a Fossil Fuel Non-Proliferation Treaty;

Further that Birmingham City Council affirms its ongoing commitment to the goals of the Paris Climate Agreement and the GHG reduction targets as called for by the IPCC, and aspires to meet its proportionate greenhouse gas reductions under the Paris Climate Agreement.

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

The Council proceeded to consider the Motions of which notice had been given in accordance with Council Rules of Procedure (B4.4 G of the Constitution).

A. Councillors Jon Hunt and Paul Tilsley have given notice of the following motion.

(See document No. 10)

Councillor Jon Hunt moved the Motion which was seconded by Councillor Paul Tilsley.

In accordance with Council Rules of Procedure, Councillors Marje Bridle and Mariam Khan gave notice of the following amendment to the Motion:-

(See document No. 11)

Councillor Marje Bridle in moving the amendment indicated that she wished to make a small change in that the words 'The Council is using Clean Air Zone revenue funding ….' read 'The Council is intending to use Clean Air Zone revenue funding ….'. The amended amendment was seconded by Councillor Mariam Khan.

In accordance with Council Rules of Procedure, Councillors Timothy Huxtable and Bruce Lines gave notice of the following amendment to the Motion:-

(See document No. 12)

Councillor Timothy Huxtable in moving the amendment indicated that he wished to remove paragraph 2 and insert the words 'of co-operation' after the word 'duties' in the last paragraph. The amended amendment was seconded by Councillor Bruce Lines.

THE QUESTION NOW BE PUT

The Leader, Councillor Ian Ward proposed that the Question be put which was seconded.

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

Therefore it was:-

19591 **RESOLVED**:-

That the Question be put.

There been no further debate the Councillor Jon Hunt replied to the debate.

The first amendment (as amended) to the Motion in the names of Councillors Marje Bridle and Mariam Khan having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The second amendment (as amended) to the Motion in the names of Councillors Timothy Huxtable and Bruce Lines having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

It was therefore-

19592 **RESOLVED**:-

Council recognises there are multiple overlapping reasons for improving traffic management and road safety around schools.

These include:
Air quality
Child fitness and obesity
Pedestrian safety
Climate change action
Nuisance and antisocial behaviour caused by inconsiderate and illegal parking.

Council further notes there is uncontrolled traffic around too many schools, contributing to recent disturbing and tragic incidents.

Council welcomes some of the innovative ideas that have been tested in many parts of the country, including our city, to tackle this problem. These include exclusion zones, no idling zones, ten-minute walking zones and walking buses.

This Council also notes that:

- The Birmingham Transport Plan (adopted October 2021) includes a key principle of 'prioritising active travel in local neighbourhoods', so that walking, cycling and active travel will become the first choice for most people making short journeys in their local neighbourhoods and cars will no longer dominate street life around homes and schools.
- Travel habits adopted in childhood can shape the behaviour of future commuters and travellers.
- At school drop off and pick up time, many of the vehicles close to schools are those of parents and carers on the 'school run'.
- School admissions policies can affect the distance children travel to school and how families choose to travel.
- Partnership work between the Council, schools and parents/carers is essential to deliver reductions in traffic at the school gate.
- Many parents and carers integrate the 'school run' into a longer trip, such as to a workplace.
- Delivery of wider transport improvements, as set out in the Birmingham Transport Plan is essential to deliver reductions in traffic at the school gate.
- The Council is intending to use Clean Air Zone revenue funding to tackle these issues, sharing the benefits of the Clean Air Zone with communities across the city.

This Council resolves to:

1/ identify **Clean Air Zone** resources that can be used to support effective measures, noting the pressure on the core budgets of both Council and of schools.

- Continue and improve partnership work with schools and parents to minimise the number of trips to school made by private car.
- Deliver wider transport improvements, as set out in the Birmingham Transport Plan.
- Continue to expand the School Streets programme.
- Better link work on school admissions with work on travel to school.
- Call on the government to ensure that the expanded range of powers available to local authorities to enforce moving traffic offences include options for creating and enforcing Car Free School Streets schemes.
- Call on the government to provide funding to schools and local authorities to support sustainable and active travel to school.
- Increase effectiveness of partnership work with West Midlands Police to ensure effective enforcement of existing rules around parking and around stationary vehicles with idling engines.

2/ to increase effectiveness of partnership work with West Midlands Police to ensure effective enforcement of existing rules around parking and around stationary vehicles with idling engines.

The relevant Cabinet Member will report updates to the Transport and Education Scrutiny and Overview Committees twice per year on progress on these issues.

Council further resolves to lobby government and local MPs for changes to legislation on schools to place duties on schools to respond to the health and safety risks posed to pupils and pedestrians outside school gates. This should include placing a duty on schools to cooperate with councils in responding to problems.

B. Councillors Ian Ward and Brigid Jones have given notice of the following motion.

(See document No. 13)

The Leader, Councillor Ian Ward moved the Motion which was seconded by the Deputy Leader, Councillor Brigid Jones.

In accordance with Council Rules of Procedure, Councillors Zaker Choudhry and Deborah Harries gave notice of the following amendment to the Motion:-

(See document No. 14)

Councillor Zaker Choudhry moved the amendment which was seconded by Councillor Deborah Harries.

In accordance with Council Rules of Procedure, Councillors Robert Alden and Ewan Mackey gave notice of the following amendment to the Motion:-

(See document No. 15)

Councillor Robert Alden moved the amendment which was seconded by Councillor Ewan Mackey.

A debate ensued.

The Leader, Councillor Ian Ward replied to the debate.

The first amendment to the Motion in the names of Councillors Zaker Choudhry and Deborah Harries having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

Here upon a poll being demanded the voting was as follows:-

For the amendment (26)

Deirdre Alden	Deborah Harries	Simon Morrall
Robert Alden	Adam Higgs	David Pears
Baber Baz	Charlotte Hodivala	Julien Pritchard
Matt Bennett	Jon Hunt	Darius Sandhu
Zaker Choudhry	Timothy Huxtable	Paul Tilsley
Maureen Cornish	Morriam Jan	Mike Ward
Peter Fowler	Bruce Lines	Ken Wood
Eddie Freeman	Ewan Mackey	Alex Yip
Roger Harmer	Gareth Moore	

Against the amendment (37)

Akhlaq Ahmed
Mohammed Aikhlaq
Kate Booth
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Liz Clements
John Cotton
Phil Davis
Diane Donaldson
Fred Grindrod
Paulette Hamilton
Kath Hartley
Shabrana Hussain
Mohammed Idrees
Zafar Iqbal
Kerry Jenkins
Brigid Jones
Mariam Khan
Zaheer Khan
Narinder Kaur Kooner
Chaman Lal
Mike Leddy
Mary Locke
Majid Mahmood
Karen McCarthy
Yvonne Mosquito
Robert Pocock
Carl Rice
Shafique Shah
Mike Sharpe
Sybil Spence
Martin Straker Welds
Saima Suleman
Lisa Trickett
Ian Ward

Abstentions (0)

The second amendment to the Motion in the names of Councillors Robert Alden and Ewan Mackey having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

Here upon a poll being demanded the voting was as follows:-

For the amendment (26)

Deirdre Alden
Robert Alden
Baber Baz
Matt Bennett
Zaker Choudhry
Maureen Cornish
Peter Fowler
Eddie Freeman
Roger Harmer
Deborah Harries
Adam Higgs
Charlotte Hodivala
Jon Hunt
Timothy Huxtable
Morriam Jan
Bruce Lines
Ewan Mackey
Gareth Moore
Simon Morrall
David Pears
Julien Pritchard
Darius Sandhu
Paul Tilsley
Mike Ward
Ken Wood
Alex Yip

Against the amendment (37)

Akhlaq Ahmed	Kath Hartley	Majid Mahmood
Mohammed Aikhlaq	Shabrana Hussain	Karen McCarthy
Kate Booth	Mohammed Idrees	Yvonne Mosquito
Nicky Brennan	Zafar Iqbal	Robert Pocock
Marje Bridle	Kerry Jenkins	Carl Rice
Mick Brown	Brigid Jones	Shafique Shah
Tristan Chatfield	Mariam Khan	Mike Sharpe
Liz Clements	Zaheer Khan	Sybil Spence
John Cotton	Narinder Kaur Kooner	Martin Straker Welds
Phil Davis	Chaman Lal	Saima Suleman
Diane Donaldson	Mike Leddy	Lisa Trickett
Fred Grindrod	Mary Locke	Ian Ward
Paulette Hamilton		

Abstentions (0)

The Motion 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 was as follows:-

For the amendment (37)

Akhlaq Ahmed	Kath Hartley	Majid Mahmood
Mohammed Aikhlaq	Shabrana Hussain	Karen McCarthy
Kate Booth	Mohammed Idrees	Yvonne Mosquito
Nicky Brennan	Zafar Iqbal	Robert Pocock
Marje Bridle	Kerry Jenkins	Carl Rice
Mick Brown	Brigid Jones	Shafique Shah
Tristan Chatfield	Mariam Khan	Mike Sharpe
Liz Clements	Zaheer Khan	Sybil Spence
John Cotton	Narinder Kaur Kooner	Martin Straker Welds
Phil Davis	Chaman Lal	Saima Suleman
Diane Donaldson	Mike Leddy	Lisa Trickett
Fred Grindrod	Mary Locke	Ian Ward
Paulette Hamilton		

Against the amendment (0)

Abstentions (20)

Deirdre Alden	Adam Higgs	David Pears
Robert Alden	Charlotte Hodivala	Julien Pritchard
Matt Bennett	Timothy Huxtable	Darius Sandhu
Maureen Cornish	Bruce Lines	Paul Tilsley
Peter Fowler	Ewan Mackey	Ken Wood
Eddie Freeman	Gareth Moore	Alex Yip
Deborah Harries	Simon Morrall	

It was therefore-

19575 **RESOLVED:-**

This council notes that:

- 2022 is a year of unprecedented opportunity for the people and communities of Birmingham.
- In attracting record levels of investment and successfully bidding for the 2022 Commonwealth Games, Birmingham is already making a significant contribution to the levelling-up agenda - delivering jobs, homes and opportunities to improve the lives and life chances of people and communities across the city.
- Prior to Covid, this city was seeing growth at almost twice the rate of London, and four times the national average. And, while the pandemic has had a profound impact, both economically and socially, the factors that made Birmingham such an attractive place to live, work and invest 18 months ago remain in place and will now help power our recovery.
- Even at a time of such upheaval, the council and its partners have continued to make progress on a significant number of major projects, which will stimulate growth across the city.
- Projects like the Smithfield Development, Paradise, the regeneration of our Digbeth creative sector and the imminent arrival of the HS2 high-speed rail link mean homes, jobs, and opportunities for the people of Birmingham.
- Like the Commonwealth Games, these projects will shape the lives and life chances of people growing up in Birmingham today.

However, this council further notes that after over a decade of austerity:

- Over 40% of Birmingham's children live in relative poverty
- Birmingham fares less well across many indicators such as education, skills, and the living environment
- 90% of wards are more deprived than national average
- The rate of unemployment is double the national average

- And there is a decade's gap in life expectancy between the poorest areas, such as East Birmingham and the most affluent areas

The Government must work with and support the council, combined authority and other stakeholders to address these and other challenges, if it is truly committed to levelling up for the people of Birmingham.

Prosperity and Opportunity for All: Birmingham's Levelling Up Strategy is an ambitious blueprint to work with partners at city, regional and national levels to ensure that, given the right funding and powers, our city can play a key role in levelling up the UK economy.

The approach looks to address poor health, poor educational attainment, low skills and incomes, congestion, and air pollution, while bringing forward new homes, employment sites and community assets.

This council resolves to:

- Continue to make a compelling case for Birmingham to be at the heart of national efforts to level up the UK economy.
- Ensure that a successful Commonwealth Games will act as a springboard for future inclusive growth and success.
- Continue attracting the vital investment that will create jobs and opportunities for people in neighbourhoods right across the city.
- And work with a wide range of partners - at community, regional and national level - to ensure that Birmingham citizens benefit from levelling up.

The meeting ended at 1920 hours.

APPENDIX

Questions and replies in accordance with Council Rules of Procedure B4.4 F of the Constitution:-

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

A1 Commonwealth Games Legacy Plan

Question:

In the recently published Commonwealth Games Legacy Plan the section on the Green Growth Heritage centres almost entirely on Perry Barr. Whilst no doubt Perry Barr will very much welcome green growth, I have to ask on behalf of the rest of the city why the legacy in this important area only focuses on one part of the city?

Answer:

The Commonwealth Games Legacy Plan provides a framework for delivery and accountability for the city-wide legacy programme. BCC has identified initiatives which are either directly associated with the Games Programme or exist within council directorates that could be accelerated by the Games. Any programmes that cannot be directly attributed to the Games have not been included (and sit within wider council plans/ strategies).

Perry Barr is a central location for the Commonwealth Games activities. The scale of investment and change being delivered in Perry Barr provides an opportunity to innovate, experiment and apply lessons learned elsewhere in other areas across the city, for example, through implementation of strategies for sustainable spaces and buildings, including sustainable water management and urban drainage, green walls and roofs and opportunities for low carbon heat and power.

The short terms action plans within the Legacy Plan are primarily linked to the Games venues and sites whilst the medium- and longer-term actions demonstrate more city-wide activity.

Green growth in Birmingham is being driven forward by a range of Council strategies including R20, the Birmingham Development Plan and the Climate Change Emergency Responses including the Future Parks Accelerator & City of Nature Delivery Plan and the Future City Plan.

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR KEN WOOD

A2 Total Estimated Costs

Question:

Please provide the latest estimated total cost of the A34 Perry Barr Highway scheme and what the original forecasted cost was.

Answer:

The A34 Perry Barr Highway scheme has a budget of £30.05 million, including a contingency of £2.95 million (per the Final Business Case approved by Cabinet on 15 October 2019 and most recently reported to Cabinet on 27 July 2021 as a part of the updated Final Business Case for the Perry Barr Regeneration Scheme).

The budget is unchanged for this element of the wider scheme. There is no forecast variation on this overall sum (although there may of course be movement between years).

£20.7 million of the budget for this scheme has been funded from Government Infrastructure Grant.

The scheme is expected to complete in advance of the Games.

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

A3 Converting Woodcock Street

Question:

How much was spent on converting and running Woodcock Street for use by the Leader and a selection of Executive Members and Council Officers during the Covid pandemic?

Answer:

Since its closure in late March 2020, 10 Woodcock Street has hosted various levels of operational activity since its reactivation on 21st June 2020, offering variable levels of accommodation in line with the latest guidance and providing a maximum of 1,100 socially distanced workstations and meeting space for City Council staff as the organisation's main office provision for its workforce alongside Margaret Street. A number of adaptations have been implemented to ensure the building is Covid Secure including specialist advice from a leading property consultancy, alterations to the heating and ventilation system, provision of sanitisers, deployment of a one-way system, removal of a number of desks from use and the introduction of a booking system.

No specific adaptations were made for Elected Members and the Leadership team.

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR GARETH MOORE

A4 Total Estimated Costs

Question:

Please provide a copy of the latest risk assessment/register for the A34 Perry Barr Highway scheme and any risk entries on the Commonwealth Games Risk Register that relate to the scheme.

Answer:

The risk register for the A34 Perry Barr Highway scheme is a commercially sensitive document whilst the scheme is in progress, so cannot currently be released into the public domain.

Councillor Moore can be assured that the scheme is managed in accordance with risk management methods that are appropriate for a scheme of this size, and that the risks are regularly reviewed, managed, mitigated and updated to deliver the best outcome for BCC.

There are no risks on the overarching Commonwealth Games (CWG) Programme risk register that specifically refer to the A34 Perry Barr Highway Scheme. However, the A34 does feature on the CWG City Readiness risk register which is one of the workstream registers that feed into it. That risk is concerned with the delivery of third party transport schemes, which could cause reputational damage through association with the Games. This risk refers to a number of projects including the realignment of the A34.

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR DEBBIE CLANCY

A5 Relocation of Bus Depot

Question:

What is the current total cost expected to be for the relocation of the National Express Bus Depot?

Answer:

The costs to the Council of the relocation of the National Express Bus Depot form a part of the Perry Barr Regeneration Scheme, for which Cabinet approved an Update to the Full Business Case covering the entire scheme on 27 July 2021. The Full Business Case included total estimated costs relating to the relocation of the bus depot of £27.8million. At this stage it is not anticipated that the actual costs incurred will vary materially from this value.

The relocation of the bus garage unlocks the opportunity for transformation of this part of Perry Barr to optimise the investment and regeneration outcomes. This will also create a modern, fit for purpose bus garage on a site which has sat vacant for many years.

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

B1 Member Complaints System

Question:

I sent an enquiry relating to Road Sweeping to the Council's Complaints Service which was received on 17 September 2021. It has taken a total of three months, until 14 December 2021, for a response to be received from the Central Complaints Team and action taken. This is not acceptable. Could the Deputy Leader of the Council provide full details of how the Member's Complaints Service is to be improved, ensuring Members and residents do not have to endure such excessive delays in future?

Answer:

The new Complaints and Member Enquiries system was initiated in April 2021 following the Overview and Scrutiny Report which identified 3 key improvement areas to improve the experience of those using Council services. These were; understanding current performance for the call-centre and Cllr enquiries and identify areas for improvement, explore service delivery to look at root causes to identify areas for improvement, and investigate how member's enquiries are responded to with a view to the creation of a new Members protocol.

Since the launch of the new Complaints and Enquiries service there has been significant challenges in relation to the volume of work received which has impacted the team's ability to deliver the service to the quality and time expected. For example, we had 3005 more complaints in q2 2021 that in q2 2020. Over the last few months we have initiated additional actions across the service to improve this situation.

These actions have included further training of all team members and recruitment to the remaining vacancies. Specifically, within City Operations there has been a renewed focus on using available data to respond to enquiries and working much more closely with Waste Management within the local depots. There is a live action plan working across Business Support and City Operations to improve response times. These interventions have had a positive impact on the service which is now seeing a month on month improvement in turnaround times for complaints and member enquiries.

The visibility and transparency of complaints, enquiries and turnaround times is now regularly discussed at directorate team meetings with root cause analysis identified and service improvement actions initiated to improve performance. This is improving the service delivery residents are experiencing.

WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM COUNCILLOR BRUCE LINES

B2 Freedom of Information Requests

Question:

In the calendar year 2021, how many statutory deadlines did the Council miss in responding to FOI requests?

Answer:

The Council has responded to 1651 FOI requests within statutory deadlines out of 2053 FOI requests received between 1st January and 30th November 2021. Requests received in December are still being worked on.

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

B3 Funding

Question:

Please provide the amount the Council has received in Covid-19 discretionary funding from HM Government and the amount of these funds the Council has not yet spent.

Answer:

In 2020, national government distributed funding to local authorities to support businesses through locally designed business support schemes, otherwise known Additional Restrictions Grant (ARG) schemes. This funding was intended for local authorities to use to support businesses which did not qualify for the various mandatory Local Restrictions Grant Schemes, but had been significantly impacted by lockdown 2, various tier restrictions and lockdown 3.

Birmingham City Council's allocation of initial ARG funding was £32,979,132. All funding was distributed by 30th June 2021 through a variety of schemes including ARG1 and ARG2 business support schemes, a one-off hospitality and leisure sector grant and a taxi sector support scheme.

In August 2021 we received £7m of ARG top-up funding. In order to qualify for top-up ARG funds, local authorities were required to have distributed all initial ARG funding out to businesses by the 30th June deadline.

To distribute the additional 'top-up' funding, we designed two complementary ARG schemes: an ARG Discretionary Restart Fund (targeted at businesses who were not eligible for the national Restart Grant scheme under Strands 1 or 2), and an ARG Business Recovery Scheme. Both of these schemes opened in mid-September 2021. Due to an overwhelming number of applications, both schemes were oversubscribed and are now closed, with 100% of funding either already distributed or allocated to businesses. To date, we have distributed £3m with the remaining balance allocated and due to be paid out by the end of March 2022 (the Government deadline for the pay-out of top-up ARG funding).

In response to the impact of the Omicron variant, on 21st December 2021 national government announced that a further £100m of funding would be distributed to local authorities to support businesses through locally designed discretionary schemes. The Birmingham City Council allocation of this funding has been confirmed as £1.5 million. These funds have not yet been received.

A new discretionary support scheme is currently in development, including eligibility criteria and an application process, to ensure that we can distribute this additional funding to businesses as quickly as possible once it is received from national government.

We are encouraging all businesses to check our business support pages on the website to get the most up-to-date information on new support schemes, eligibility criteria and application processes. Businesses can access this information here: https://www.birmingham.gov.uk/info/50232/support_for_businesses_during_the_coronavirus_covid-19

WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM COUNCILLOR ALEX YIP

5983

B4 Covid Grants

Question:

Please provide the average turnaround time from a business applying for Covid Grants and receiving the funds from the Council.

Answer:

The average time to process a grant (from application to payment) for the Additional Restrictions Grants was 23 days.

For the 17 mandatory schemes administered by the Council it is not possible to provide an accurate average due to the difference in the way the schemes were administered. Scheme rules dictated that schemes required either no application at all, an individual application or an application from a previous scheme if one had been submitted. For the latter, after the initial application, the Council was authorised to pay grants from various schemes based on the information already held over earlier applications. This enabled the grants to be processed more quickly and without the need for additional applications but prevents an accurate average processing time from being calculated. The table attached outlines the dates the schemes were open, the date when we were provided with funds and the application requirement for the 17 mandatory schemes.

Grants average.xlsx

WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM COUNCILLOR EWAN MACKEY

5984

B5 Exempt Accommodation

Question:

How much (as cash amount and % of total spend) of the Covid Business support money has been awarded to exempt accommodation and HMO providers.

Answer:

£0.00 as they are domestic properties

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR MIKE WARD

C1 School Days Lost to Covid

Question:

Could the Cabinet Member confirm the number of children who were absent from school due to Covid in the run up to the Christmas break?

Answer:

Data on Covid absences are reported by schools to the DfE through its daily attendance return.

The percentage of pupils absent from school due to Covid for each day of the last week of the autumn term is below, as well as the same information for England.

	Mon 13/12	**Tue 14/12**	**Wed 15/12**	**Thu 16/12**	**Fri 17/12**
Birmingham	1.7%	1.8%	1.9%	2%	2%
England	2.8%	3%	3.1%	3.3%	3.4%

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR MORRIAM JAN

C2 City Schools

Question:

Could the Cabinet Member give details of any plans for City Schools to move back to on line lessons if Covid causes further issues in the new year, as well as advising if any schools were having to educate in this way before the Christmas break?

Answer:

Current government guidance for schools and settings states that the overarching objective is to maximise the number of children and young people in face-to face education and minimise any disruption, in a way that best manages the COVID-19 risk. There are currently no plans for schools to move entirely to remote education.

Officers from Education and Skills continue to support schools to deal with COVID issues, including outbreaks. An outbreak management plan template has been provided to schools to support their planning. This makes reference to all aspects of current DfE guidance, in particular the government's contingency framework for education and childcare settings.

This framework states that schools should make sure their plans cover high-quality remote education to be provided to all pupils if the school has been advised by Public Health to limit attendance due to an outbreak.

In accordance with government guidance, a small number of Birmingham schools were offering remote learning to some pupils before the Christmas break where they had been advised by Public Health to temporarily restrict attendance in particular classes/year groups. This was to manage outbreaks of COVID where previous measures introduced had not been effective.

WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES FROM COUNCILLOR ROGER HARMER

D1 Recovery Loan Scheme

Question:

Could the Cabinet Member give details of how the extension to the Loan Recovery Scheme is being promoted as well as confirming how many businesses have already come forward in response to the extended Scheme?

Answer:

We have no data on promotion and take up of the scheme in Birmingham. This is a national scheme administered by the British Business Bank.

The Government Recovery Loan Scheme (RLS) was initially made available from April 2021 to December 2021. It aims to support UK businesses to recover from the Covid-19 pandemic. However, following the Autumn statement, the scheme was extended by the Chancellor for a further 6 months to June 2022. The scheme offers funding of £1k and now up to a maximum of £2m.

RLS is administered including promotion by the British Business Bank and delivered through an accredited network of 76 lenders.

However, the take up of the scheme has been lower than expected due mainly to more stringent checks and higher interest rate charges compared to other pandemic support schemes.

Based on the latest data available from the British Business Bank as at the end of October 2021:

- A total of £1.06 billion has been offered by 76 accredited lenders to businesses across the UK to help them move towards a sustainable recovery.

- £822.8 million has been drawn down through 5,137 facilities.

WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES FROM COUNCILLOR DEIRDRE ALDEN

D2 Staff Numbers

Question:

"Please provide a breakdown by directorate for each year from 2018 to the present of the number and percentage of staff that are:

5988

- **Full or part-time permanent employees of the council**
- **Full or part-time employees of the council on temporary contracts**
- **Full or part-time and employed through an agency**
- **Full or part-time and contracted through any interim or consultancy arrangement not covered by the above"**

Answer:

For BCC staff please find attached:

D2 - Finance 1 - BCC Data 2018 to Present

Agency Staff:

Directorate	2018	2019	2020	2021
Adults Social Care	298	441	286	314
Digital & Customer Services****	71	140	185	
Education and Skills	20	46	26	229
Finance and Governance****	76	193	219	
Inclusive Growth*	19	15	11	
Neighbourhoods**	112	210	240	
Partnerships, Insight and Prevention***	1	8	105	
HR and Organisation Development****	2	11	12	
Commonwealth Games 2022			2	5
Council Management****				491
City Housing**				120
City Operations**				257
Places, Prosperity & Sustainability*				34
Strategy, Equalities & Partnerships***				29

* Inclusive Growth changed name to Places, Prosperity & Sustainability in 2021.
** Neighbourhoods split into City Housing & City Operations in 2021.
***Partnerships, Insight & Prevention changed name to Strategy, Equalities * Partnerships in 2021.
**** Finance & Governance, Digital & Customer Services & HR & Organisation Development merged to become Council Management in 2021.

5989

Please note we are unable to provide a full time/part time split for agency staff as the report downloaded from Hays portal only shows the average hours per week and doesn't take leave into account therefore cannot be accurately reported on.

Please note the above statistics do not include agency staff obtained via Extra Personnel, this information has been requested from Corporate Procurement who advise it will be available shortly and will be circulated at this point.

Interim & Consultancy staff historically are not held on the SAP HR system, so I am unable to accurately report on this information.

WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES FROM COUNCILLOR EDDIE FREEMAN

D3 Responses to Budget Consultation

Question:

How many responses were received in the Council's recent budget consultation and please provide the results of this consultation?

Answer:

5990

2103 people visited the site, 1190 took part in the budget challenge, 127 submitted completed budgets and the results are currently being analysed.

WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES FROM COUNCILLOR ADRIAN DELANEY

D4 Cost of Budget Consultation Tool

Question:

What was the cost of the new Budget consultation tool?

Answer:

£6,760 excluding VAT.

To the Cabinet Member for Health and Social Care

E **No questions submitted**

5992

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND NEIGHBOURHOODS FROM COUNCILLOR DEBORAH HARRIES

F1 Smoke and Carbon Monoxide Alarms in Social Housing

Question:

Housing providers will be required by law to install smoke alarms in all social housing, and carbon monoxide alarms in social and private rented properties with fixed appliances such as gas boilers or fires. With the condition of some council properties, could the Cabinet Member give details of how they intend to roll this scheme out?

Answer:

Currently all council owned properties are being checked for installation and condition of smoke and carbon monoxide alarms either through the Gas servicing contract on properties that have gas installed or through a stand-alone testing programme to properties that are 'all-electric'.

5993

Following receipt and assessment of the data from our contractors a programme of installation will be produced to ensure the council fulfils its obligation to comply with the new regulations.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND NEIGHBOURHOODS FROM COUNCILLOR JOHN LINES

F2 Charges to HRA Account

Question:

How much does the Street Cleaning and Housing Departments, charge the HRA account for the cleaning of housing land? Please provide a list of costs for each year since 2016, broken down Department.

Answer:

Street Cleaning is not assigned to BCC Housing Land. The cleaning of Housing Land is undertaken by the City Housing Directorate's Neighbourhood Estates Services teams as part of their overall responsibilities which also include daily cleaning / inspections of high rise blocks, removal of internal and external rubbish and fly-tipping, general estates maintenance etc. These teams and services are funded from the HRA and in part service charges.

Given the mix of duties undertaken it is not possible to provide a specific cost for land cleaning.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND NEIGHBOURHOODS FROM COUNCILLOR MIKE WARD

F3 Celebrating Communities Funding

Question:

With the deadline for the latest round of funding to 'Celebrate Communities' having come and gone on 30 November and being aware that not all monies have been fully allocated in local communities, could the Cabinet Member give an indication of the extent of underbidding for grants, indicating the minimum underspend?

Answer:

The submission of applications for Round 2 of Celebrating Communities closed on 30th November 2021. No monies have yet been allocated for Round 2 because the ward participative decision-making process is yet to take place for Round 2 proposals. The facilitated ward forums and voting are due to take place from the end of January – 31st March 2022, with projects due to commence from April 2022. The details of awards will be fully available once the process is completed.

It can be confirmed that a total of 360 proposals were received city-wide by the Round 2 deadline. These are currently being initially assessed against the fund criteria by officers. This is in line with the process agreed by Cabinet Committee on 15th December 2020.

Currently the Celebrating Communities Fund is 'oversubscribed' by circa £500,000. However, this is not a finalised figure because the internal due diligence process is currently taking

place to confirm the applications that will be considered at ward level via the agreed participatory voting process.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND NEIGHBOURHOODS FROM COUNCILLOR PAUL TILSLEY

F4 Celebrating Communities Funding

Question:

Could the Cabinet Member provide confirmation of the number of awards that have been made in Round Two of 'Celebrating Communities', by ward, to include:

(a) Details of the awardee
(b) The full amount awarded
(c) Details of what the funding will be used for
(d) Amount of monies outstanding in each ward pot?

Answer:

The closing date for submission of applications for Round 2 of Celebrating Communities closed on 30th November 2021. The ward participative decision-making process is yet to take place for Round 2 proposals. The facilitated ward forums and voting are due to take place from the end of January – 31st March 2022, with projects due to commence from April 2022. The details of awards will be fully available once the process is completed.

It can be confirmed that a total of 360 proposals were received city-wide by the Round 2 deadline. These are currently being initially assessed against the fund criteria by officers. This is in line with the process agreed by Cabinet Committee on 15th December 2020.

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

G **No questions submitted**

5998

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR PAUL TILSLEY

H1 Fly Tipping

Question:

According to Government figures, fly-tipping in England increased during the pandemic with 1.13 million incidents dealt with by local authorities in the last 12 months, an increase of 16%. Could the Cabinet Member give details of trends in enforcement against fly tippers in the City over the last three years, providing details of how many successful prosecutions were undertaken?

Answer:

The Government figures, published in December 2021, reported 'incidents' of fly-tipping and 'enforcement actions' taken by council's across England for the period up to March 31st 2021. The reported national increases in incidents of 16% for the period 2019/20 to 2020/21 compares to the 4.5% increase experienced in Birmingham, for the same period. The three-year trend data for Birmingham, across all enforcement actions, reproduced from the Government data set, is shown in the table, below. The trend data for all councils in respect of certain categories of enforcement actions has been heavily impacted by coronavirus (COVID-19). This includes fixed penalty notice activity in respect of business waste disposal breaches following interruptions to non-essential business trading from the first national lockdown, introduced in March 2020. Additionally, during this reporting period many non-urgent court proceedings were adjourned and the Court Service experienced significant pressures in their capacity to accommodate trials.

Year	Total Action	Investigation Actions	Warning Letter Action	Statutory Notice Actions	Fixed Penalty Notices issued specifically for fly-tipping	All Other Fixed Penalty Notices issued	Total Fixed Penalty Notice Actions	Duty of Care Inspection Actions	Vehicles seized	Prosecution Actions	Prosecution Action Costs (£)	Absolute / Cond Discharge Outcome	Community Service Outcome	Fine Outcomes (issued by courts	Custodial Sentence Outcome	Other (successful) Outcome	Cases Lost Outcome	Total fines (£)
2018-19	11493	7443	37	761	73	570	646	2432	10	154	150,538	5	3	144	2	0	0	175643
2019-20	7523	3645	571	378	69	268	337	2512	5	73	74,644	3	0	67	1	1	1	121715
2020-21	8785	4539	844	907	64	48	112	2328	10	35	30691	3	1	30	1	0	0	38822

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR ROGER HARMER

H2 City Waste Collections

Question:

At the last council meeting you told Cllr Baz: "We are maintaining a collection rate of over 99% across the city." Following discussion at cabinet, do you accept this was an incorrect interpretation of the statistics collected by the Council?

Answer:

We use the same criteria used by other authorities to measure collection rates – comparing reported missed collections against scheduled collections. This is a nationally recognised metric and allows us to benchmark ourselves against other authorities.

The information that we have demonstrates that the hardworking crews continue to collect in excess of 99% of bins on schedule.

6000

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR ZAKER CHOUDHRY

H3 Mobile Household Recycling Centre Collection Rates

Question:

At the last council meeting you stated, in response to a written question, it was impossible to identify the tonnage collected by ward by the mobile household recycling centres. Were you then wrong, when in November you stated that Alum Rock held the record for the greatest quantity collected?

Answer:

Whilst we do record the tonnage collected for this initiative it is sometimes not possible to get the exact figures for each ward because vehicles might collect additional waste after the event or the recycling vehicle has capacity so isn't emptied each day. In the case of the Alum Rock event several vehicles were required to dispose of the waste generated and this allowed an accurate assessment of the tonnage.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR JON HUNT

H4 Mobile Household Recycling Centre

Question:

Could you provide, as you did in September, two charts setting out the record of delivery of the mobile household recycling centre, one chart setting out, by day, which wards have been visited, by depot, and the second chart setting out, by day, the tonnage collected by depot?

Answer:

The attached table gives the daily location breakdown per depot.

H4%20-%20Cllr%20 Hunt.xlsx

Due to the size and complexity of the information, tonnage information is now only available in a monthly format. This is provided below.

	Sep 21 Total	Oct 21 Total	Nov 21 Total	Dec 21 Total
MHRC (Recycling)	7.39	6.44	11.78	5.18
MHRC (Residual)	100.60	134.17	143.09	89.6

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR BABER BAZ

H5 Festive Refuse/Recycling Collections

Question:

Following communication put out by yourself regarding Refuse/Recycling Collections over the festive period, it was stated that No Recycling collection would take place on the 28th December. Many residents kept their bins in, only for crews to turn up and Recycling collected from those that had put bins out! Who is to blame for this latest mishap?

Answer:

We did make plans to only collect residual waste on two of the Bank Holidays worked. Crews were told this was the case and only the residual maps were released to teams. I can only assume the crew on seeing bins left out made the decision to clear the whole street. If you provide me with the details of the road in question, I will be able to go back to the relevant manager for a more detailed response.

We took the decision to only collect the residual waste to ensure that we delivered on our commitment. It would seem in this case we overachieved our promise.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR MIKE WARD

H6 Slab in the Cab

Question:

In the recent Complaints Newsletter sent to all Councillors, it states the pilot for the 'Slab in the Cab' has commenced with garden and residual rounds piloted to date with this being incrementally rolled out on the basis of kit availability. Although it's astonishing this pilot has only just started especially as it was first discussed seven years ago, could the Cabinet Member give details of which wards this has currently been trialled to?

Answer:

The pilot stated in the newsletter is referring to the new slab technology that has been recently procured not that that was installed in 2016. This new technology has so far been trialled on a limited selection of rounds operating from our Lifford Lane and Redfern Road depots in the South and East of the city. As these rounds are not designated to set Ward boundaries it is not possible to advise which specific wards it has been trialled within.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR MORRIAM JAN

H7 Reuse, Recycle or Incinerate?

Question:

Friends of the Earth have received data from Merseyside, via a Freedom of Information request, which reports 68% of residual waste from their household collections comprise of items that are either reusable or currently recyclable. Of the waste taken to HRCs, 77% was classed as potentially reusable or recyclable. Could the Cabinet Member provide similar analysis of the composition of waste that is disposed of at the Tyseley incinerator?

Answer:

We analyse and record the material composition of waste that is presented as residual waste for our collection teams at the kerbside. This information is used to support and guide our recycling messaging on how materials can be moved up the waste hierarchy. The Council recently carried out an analysis of material presented as residual waste at our HRC sites just focusing on what wasn't being presented for recycling or reuse at the sites. This again will inform future messaging and campaigns aimed at educating users of the site on the best way to present the material for the best outcomes. As you will be aware how the material is presented and levels of contamination are material factors, alongside the make-up of the material itself, in securing the best outcome possible for the material to be reused or recycled. Our aim for the Energy Recovery Facility, is to process the materials that cannot be reused or recycled.

Based on the analysis conducted last year of the waste materials delivered to the Tyseley Energy Recovery Facility, the percentage of items that might potentially be suitable for reuse or recycling was:

- In the analysis conducted in January 2021:
    - 38.74% of the waste materials/items could have been collected as kerbside recycling and/or kerbside garden waste.
    - 13.75% of the waste materials/items were not suitable for kerbside recycling and/or kerbside garden waste collection but could have been placed in segregated recycling containers at the five HRCs.
    - A total of 52.49% of the waste materials/items were potentially suitable for reuse, recycling or composting.
- In the analysis conducted in September 2021:

- 33.02% of the waste materials/items could have been collected as kerbside recycling and/or kerbside garden waste.
- 20.72% of the waste materials/items were not suitable for kerbside recycling and/or kerbside garden waste collection but could have been placed in segregated recycling containers at the five HRCs.
- A total of 53.74% of the waste materials/items were potentially suitable for reuse, recycling or composting.

Based on the analysis conducted in the summer of 2021 of the waste materials that were placed in residual waste containers (not segregated for recycling) at the five Household Recycling Centres (HRCs), the percentage of items that might potentially be suitable for reuse or recycling was:

- 17.44% of the waste materials/items could have been collected as kerbside recycling and/or kerbside garden waste or could have been placed in segregated recycling containers at the five HRCs.
- 45.99% of the waste materials/items were not suitable for kerbside recycling and/or kerbside garden waste collection but could have been placed in segregated recycling containers at the five HRCs.
- A total of 63.43% of the residual waste materials/items were potentially suitable for reuse, recycling or composting.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR DEBORAH HARRIES

H8 Refunds on Garden Waste Collections

Question:

How many refunds have been made to subscribers of garden waste collection for missed collections? This year and in the last five previous years.

Answer:

It is not possible to identify refunds specifically for the garden waste service as they are not separately categorised from other refunds.

The table below details the number of customers each year that may have technically been eligible for a garden refund i.e. they have reported 3 or more consecutive missed collections. The service does not automatically provide refunds; the customer is required to submit a claim, which is then validated against the data held by the service. If a missed collection has been rectified by picking it up, then that report doesn't count as 1 of the 3 required for the purpose of refunds – hence the numbers below are way in excess of the refunds actually provided.

What this table does illustrate however is that over the last three years the service has improved considerably and 2021 saw a record number of subscribers.

Year	No of customers who have reported 3 or more consecutive missed garden collections
2016	132
2017 (included period of industrial action)	1,399
2018	305
2019	377
2020	102
2021	63

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR PETER FOWLER

H9 Costing Of Original 'Slab in Cab' Technology

Question:

When it was first introduced (Approximately 2017), what was the cost of 'Slab in the Cab' technology?

Answer:

The Cabinet report "Mobile Technology System for Fleet and Waste Management" dated 19th January 2015 stated that the estimated cost of the Waste Management ICT investment would be £3.463m over 5 years, £2.5M of which was grant funded by DCLG. This included procurement of hardware, integration with existing systems, on-going annual operational costs and project management by Service Birmingham (SB). The recorded spend on the 'Slab in the Cab' technology at the end of 2016 was £1.26m which covered hardware, software and services to deliver the slab solution and this was projected to spend £1.293m by the end of that financial year and was based on a reduced specification from the original report. Record of spend specific to the Mobile Technology System after 2016 was not held separately as projects costs were subsumed into the business as usual costs of the service.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR SIMON MORRALL

H10 Replacing 'Slab in Cab' Technology

Question:

We understand that the 'Slab in Cab' technology is being replaced with a new system. Can you please detail what the new technology is, how much it has cost and the reasons why the old technology is being replaced?

Answer:

The original in-cab hardware for the slab in the Cab technology is life expired and no longer supported, and at 4-5 years old this is normal for this type of hardware. The new in-cab hardware is the latest Samsung / Android technology with 4G connectivity, and fully supported. This has a number of advantages including the ability to use familiar applications such as Google Maps with live traffic overlaid on collection routes, a much larger and clearer screen aiding the driver from a visibility and ergonomics perspective, and a much more robust data connection ensuring reliability and accuracy of data recording. The new devices also make it much easier to add future enhancements, such as BCC intranet access for crews, and group messaging facilities. The in-cab mounting hardware and installation is also significantly improved, making it better for the driver for ergonomics, and a much more robust and secure electrical connection. There are no changes to the back office ICT system as the new hardware is fully compatible with the existing back office systems. The supply and install of new equipment with associated support and refresher training is in the region of £150k, with around £30k annual recurring costs for data/BCC ITD costs which largely replace the recurring costs of the original hardware.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR BOB BEAUCHAMP

H11 Missed Collections

Question:

From 25th December 2021 until 5th January 2022, how many waste/recycling collections that were due to take place were missed?

Answer:

Between 25 December 2021 and 5 January 2022, we received 2,978 reports of missed residual and recycling collections.

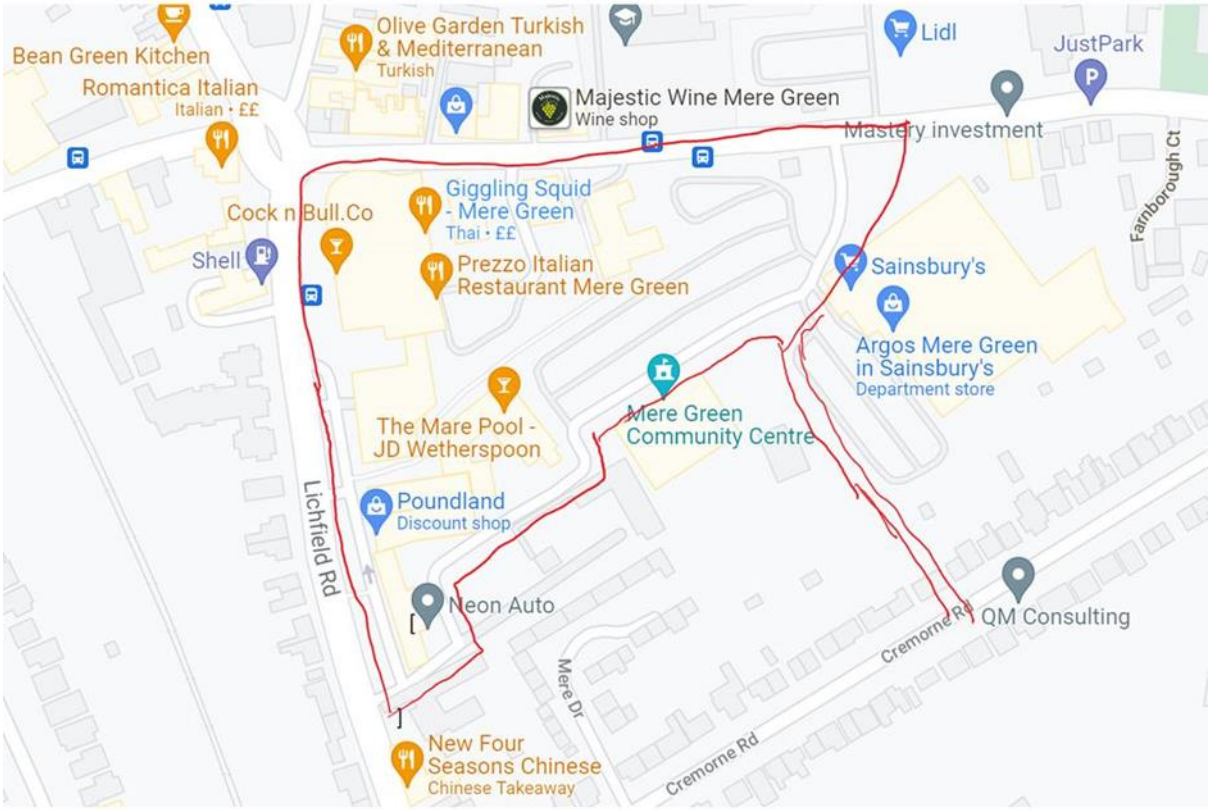
6010

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR MEIRION JENKINS

H12 Bins

Question:

What bins does the Council maintain, if any, in the area shown in the map below?



Answer:

Waste Management is responsible for three bins within the boundary as drawn – one at the bus stop, one outside Poundland and one outside the Star Anise takeaway. Street Cleansing crews empty these on a daily basis Monday to Friday and on Sunday mornings. There are other bins within the site, but they are managed by the property company.

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

I1 Green Legacy Plan

Question:

The Commonwealth Games Green Legacy Plan relies heavily on the Perry Barr Masterplan, which in turn relies heavily on the 3Bs Neighbourhood Plan. Will the Cabinet Member give assurances that the Council will restore the tree canopy cover which has been lost in parks and on roads as a result of preparations for the Games, indicating the locations where trees are to be planted?

Answer:

As part of the Commonwealth Games Legacy 2022 acres of woodland are being planted along with 72 tiny forests. Of this, approximately 24 acres of new woodland and 8 tiny forests will be planted in Birmingham between now and winter 2022/23.

The woodland sites are primarily along the Cole Valley and one large site in Quinton.

8 tiny forest locations are provisionally as below.

Site name	Type i.e school, Club, Park etc	Postcode	Status
Erdington Rugby Club	Community Group	B24 9NF	Awaiting planting of the forest
Four Dwellings Primary	School	B32 1PJ	Awaiting signed land agreement
Saltley Academy (Peter White)	School	B9 5RX	Awaiting signed land agreement
King's Norton Boys school	School	B30 1DY	Awaiting planting of the forest
Aston School	School	B6 6DJ	Awaiting signed land agreement and test pits
Handsworth Girls School	School	B21 9AR	Awaiting signed land agreement and test pits
Birmingham County football Association	Community Group	B43 6JF	Awaiting signed land agreement and test pits
Kings Heath Boys School	School	B13 0QP	Awaiting signed land agreement and test pits

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR BABER BAZ

I2 Highways Improvement Fund

Question:

Could the cabinet member provide a list of projects submitted for the £1m highways improvement fund, announced at December cabinet, indicating how much of the fund has already been allocated and what is the scope for new bids?

Answer:

The Local Improvement Budget (LIB) which was approved by Cabinet in December will seek to deliver a variety of small highway improvements across the City.

Whilst a list of potential improvement measures provided through the Local Engineering service has been used as the initial source of information to develop the LIB programme, other sources such as complaints and petitions are also being assessed in order to ensure the full range of local concerns are being considered. Given that scope, it should be recognised that the total cost of all of those potential measures will exceed the available LIB funding.

As the programme develops, elected members who have LIB measures proposed within their wards will be consulted as part of the standard project delivery process.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ZAKER CHOUDHRY

I3 Highways Improvement Fund

6013

Question:

Could the Cabinet Member give full details of the projects, by ward, that have been proposed by District Highways Engineers which forms part of the Highways Improvement Finding to include:

(a) Name of the road that has been proposed by Highways Engineers
(b) Works to be proposed/undertaken
(c) Confirmation of approval for the work to proceed
(d) Approximate cost of the proposed work?

Answer:

The Local Improvement Budget (LIB) which was approved by Cabinet in December will seek to deliver a variety of small highway improvements across the City.

Whilst a list of potential improvement measures provided through the Local Engineering service has been used as the initial source of information to develop the LIB programme, other sources such as complaints and petitions are also being assessed in order to ensure the full range of local concerns are being considered. Given that scope, it should be recognised that the total cost of all of those potential measures will exceed the available LIB funding.

As the programme develops, elected members who have LIB measures proposed within their wards will be consulted as part of the standard project delivery process.

6014

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR PAUL TILSLEY

I4 Clean Air Zone

Question:

At city cabinet you stated that you are lobbying government for changes to the Clean Air Zone charging arrangements. Could you set out what specific reforms you are seeking?

Answer:

At the last cabinet meeting (14 December 2021), to clarify, I did not say that I was 'lobbying government'. However, I did explain that the design and operation of the 'back office' systems that support the operation of the Clean Air Zone are provided by the Government. These systems are shared by all local authorities implementing a Clean Air Zone and include the daily fee payment platform, online vehicle checker and national contact centre.

I also explained that regular dialogue is held with the Government (via the Joint Air Quality Unit) and the other Clean Air Zone local authorities around the performance of these systems.

These conversations include reviews of the performance of these systems against agreed key performance indicators (KPIs) as well as feedback from users. This forms the basis of a continuous improvement programme with the Joint Air Quality Unit, ourselves and the other Clean Air Zone local authorities.

I am also leading the coordination of a letter to the Government from the Clean Air Zone local authorities calling on it to do more to raise awareness of Clean Air Zones, and their role in tackling the air quality challenge, amongst drivers across the whole of England.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ADAM HIGGS

I5 Charges and Fines

Question:

How many charges and fines have the council had to pay up in the period from 1st September to the 31st December 2021 for the Clean Air Zone?

Answer:

In responding to this question 'charges' is assumed to refer to the Clean Air Zone daily fees. 'Fines' has been interpreted as penalty charges.

The Clean Air Zone team is unable to identify individuals or individual organisations through the daily fee payment platform so is unable to respond to this part of the question.

The Clean Air Zone team is also unable to provide information on the number of 'fines' that have been issued to the Council. This is because Clean Air Zone Penalty Charge Notices (PCNs) are issued to the registered keepers of vehicles. These addresses are obtained from the DVLA for the specific purpose of recovery of penalty charges in accordance with the statutory process. On that basis the team is unable to provide information on individual organisations and/or registered keepers.

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

I6 Tree Protection Orders

Question:

How many Tree Protection Orders are there in the City?

Answer:

We have 1,553 Tree Preservation Orders in the various wards of the City of Birmingham.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MATT BENNETT

I7 Tree Protection Orders 2

Question:

Broken down by year, please provide the number of new Tree Protection Orders added in Birmingham since 2012.

Answer:

Year		No of TPOs
2012	-	38
2013	-	52
2014	-	32
2015	-	34
2016	-	22
2017	-	27
2018	-	14
2019	-	27
2020	-	11
2021	-	17

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DAVID PEARS

I8 Tree Removal

Question:

Since 2012 how many trees have the Council removed. Please breakdown the number by each year.

Answer:

The table shows the numbers of trees in direct BCC management removed for each year from 2012 through to 31st December 2021.

Trees in the Highways column only cover those within the Highway Maintainable at Public Expense (HMPE). This figure will include trees removed for safety reasons but also those as part of highways improvement projects. For each tree removed at least one replacement has been made over that period.

The Figure for “parks” covers trees for which they have management responsibility for and includes parks, communal housing areas, cemeteries, schools (where still within BCC management) and some land within the wider BPS portfolio where this is not delegated to a tenant or lessee. It does not include trees/ scrub removed as part of the management of priority habitats such as the ongoing heathland restoration at Sutton Park National Nature Reserve (NNR).

Working in partnership with Birmingham Trees for Life over this same period (and including scheduled plantings for this winter), 100,000 trees have been planted across the city on BCC owned land within the parks, housing and education portfolios.

Highways	Parks

6019

Year	Trees Removed	Trees removed
2012	1265	3455
2013	1242	3095
2014	1563	4839
2015	1201	3677
2016	1226	2983
2017	1698	2468
2018	1634	2633
2019	1624	3074
2020	1031	1753
2021	1021	2068

Total BCC tree removals over the above period – 43,550

Trees planted over the same period on BCC land holdings >143,550

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR MORRIAM JAN

J1 **Asylum Seeking Children in the City**

6020

Question:

The Government has given legal notice to accept transfers of unaccompanied asylum-seeking children into their care as a result of large numbers of recent arrivals. Could the Cabinet Member give details of the numbers of unaccompanied children the City has already accepted?

Answer:

Prior to the mandating of the National Transfer Scheme (NTS) and on the voluntary transfer scheme the Trust / City accommodated 4 young people this being 'cycles 1-8' of the scheme. The mandated transfer scheme through 'cycles 9-12' will require the Trust / City to accommodate another 5 young people which we will.

Having highlighted this and over the same period of cycles 1-8, this being March 2021 to Mid-December 2021, the Trust in fact accommodated 99 young people mainly through the adult dispersal accommodations that are sited within the City boundary.

In this context and as of 4th January 2022 the Trust is supporting in total:

- 112 unaccompanied children under 18
- 220 unaccompanied care leavers aged 18+

With this current cohort of 332 being support, this then sets the context of the 9 young people that have been and will be accommodated from the voluntary and mandated national transfer scheme.

Support to young people seeking asylum is strong, and has repeatedly been positively inspected by Ofsted, and many of the young people progress successfully into higher education, training and employment

Numbers of arrivals are rising, putting pressure on services, in particular our Care Leaver service, because the funding received from central government does not match the costs the Trust incurs.

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR BABER BAZ

J2 Vulnerable Child Safety

Question:

Following the horrific case of Arthur Labinjo-Hughes, could the Cabinet Member give reassurances officers working in children's services have the correct support and resources available to them safely serve the children of this City? Could they also

give an indication of the measures that have been put in place to ensure this dreadful situation is not repeated in future?

Answer:

Birmingham Children's Trust provides the city's safeguarding and child protection services. Evidence, from external inspection and from our own contract and performance monitoring supports that services are stronger than they were and continue to improve. There are a range of assurance processes in place that give confidence that the Trust's social workers and family support workers are seeing the children and families they need to, and are increasingly effective in their work.

Demand for services, as measured through contacts and referrals, is rising. The Council and Trust work well together to ensure that the appropriate resources and support are in place. The Trust delivers and commissions an extensive range of services to support families and safeguard children

Key steps taken in Birmingham during the Pandemic to keep children safe

- Throughout the first period of lockdown, social workers continued to visit the most vulnerable children, young people and families in the city.

- We worked hard across the partnership, with police, NHS and Education, to identify the vulnerable children who were not attending school, and parents were contacted by agency partners to encourage school attendance. Throughout the first lockdown period, school attendance by vulnerable children was slightly better than the national average

- New Partnership groups formed to monitor school attendance and to develop a multi-agency offer to families.

- We also supported 7000 families with food, wifi connectivity, setting up at pace a locallydelivered Early Help service in partnership with BVSC.

- Many of our schools were diligent in visiting and supporting vulnerable children who were not attending school

- We did not see any increase in incidents of serious harm during the period. Nor did we, as things returned to normal, pick up concerns about significant ill-treatment that had occurred during lockdown.

Reflections

- We must wait for the reviews into how Arthur's case was managed before we will know who did what and what signs were or were not missed, and by whom

- Arthur was not deemed a 'vulnerable child' and as such was not entitled to attend school during lockdown. He was, effectively therefore, hidden.

- Social workers in Birmingham worked tirelessly, and at risk to themselves, to keep children safe and families supported during the pandemic. The evidence, during and since the pandemic's impact lessened, is that they did a good job and were largely successful

- It is a sad reality that children will be hurt and, albeit rarely, killed by parents and care-givers. Despite our collective best efforts, we will never eradicate this. We can, and do, work hard with our partners to ensure we know of the children at risk of harm and work together to safeguard them.

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR DEBORAH HARRIES

J3 Children and Exercise

Question:

It has been reported that fewer children and young people are getting 60 minutes of recommended activity each day due to the COVID-19 pandemic, with those from disadvantaged backgrounds more negatively affected. Could the Cabinet Member give details of how this matter is being addressed in the City?

Answer:

6023

Following the Government's removal of covid restrictions in July 2021 Birmingham City Council were one of the few authorities to re-open all of its leisure facilities. In reopening, access to our free swimming for under 16's once again became available in all our pools. Birmingham remains one of very few local authorities that continues to provide this offer.

In addition, all of our leisure sites offer free access to leisure under our Be Active Scheme – with the level of free access being higher in the more deprived areas of the city. This offer is cited as one of the best examples nationally of proportionate universalism.

The Council also has a £10m Sport England Delivery Pilot operating in the most deprived areas of the city tackling inequalities and removing barriers to physical activity and sport. A number of local organisations across the city provide services to families and young people, including active streets, led bike rides and bike maintenance sessions, activities in parks and green spaces, lending games and sports equipment to families, working with schools to increase engagement family in physical activity, gardening and tree planting projects, and social prescribing to social and physical activities.

The Local Delivery Pilot funded a collaborative partnership with The Hazrat Sultan Bahu Trust (a charity and Islamic faith centre based in Balsall Heath) was co-designed with their young people, and they had a cohort of under 25-year-olds create a Delivery of virtual physical activity sessions live streamed each week throughout the second lockdown and received a good level of participation from local young people. This led to further physical multi-sport sessions at Joseph Chamberlain College through the school summer holidays influencing the Senior Leadership Staff at Joseph Chamberlain College with the outcome of a reduced facility cost for their community outreach bookings.

As part of the work TAWS supports across Birmingham, Bikeabilty training is delivered to between 8000-10,000 children and families across a number of community settings and in over 70 schools every year, working hard to ensure this is an inclusive and accessible offer for all. The main focus of the work is across IMD quintiles 1 and 2.

TAWS was one of a number of organisations who ran a successful Holiday Activity Fund programme in the Summer targeting 10-16 year olds working across 8 locations. With a total of 3,840 attendances, 96% of the attendances from Quintiles 1 & 2 and 90% from BME Communities, 59% were eligible for free school meals.

Our externally operated leisure centres also provided successful Holiday Activity & Food (HAF) schemes over the summer and Christmas holiday periods that delivered over 6000 places offering sporting activities & games as well as a packed lunch and nutritional guidance to children aged 4 – 12 years old. In addition more than 11,000 children are back in our swimming pools on learn to swim programmes and more than 1,300 children are keeping active back on our sports courses.

Through the pandemic Public Health ran the Be Healthy campaign to promote healthy lifestyles, this included physical activity advice and was supported by a webinar series on physical activity for community and voluntary sector groups. The videos from the webinar are available as a public resource at https://www.youtube.com/watch?v=Vu9L_rJjdkc&list=PLb1P0NWdnLLMTKHDxyew_4f11MOOXLliX. During the first wave of the pandemic Public Health also commissioned video resources to promote physical activity at home for different age groups, this includes specific

video playlist of videos for physical activity for children at home available at https://www.youtube.com/watch?v=6yjcNlVVN_I&list=PLb1P0NWdnLLMJlMJ6UosCP19w5v8jNHoS

Further Notes:

- The DfE's guidance is that schools should offer pupils at least two hours of physical activity each week. The additional measures currently in place in schools to respond to the pandemic do not affect this guidance.
- The council is encouraging all Birmingham schools to join a major effort to increase levels of walking, cycling and other forms of greener travel by registering with Modeshift STARS.
- A number of primary schools in Birmingham participate in the Daily Mile through Sport Birmingham to improve the physical, social, emotional and mental health and wellbeing of children.

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULERNABLE CHILDREN AND FAMILIES FROM COUNCILLOR TIM HUXTABLE

J4 Updated Version

Question:

Please provided an updated version of the tables you supplied in response to Written Question J5 at the last Full Council Meeting.

Answer:

Please be advised that we have yet to be invoiced for the costs associated with all interim/consultants in the service for December 2021 and therefore the figures go up to, and are inclusive of, November 2021.

Please see tables below with the following information:

- Appendix 1 - Interim/Consultant spend from Sept 2021 to Mar 2022

- Appendix 2 - Total Agency spend updated table

UESTION J4 – APPENDIX 1

Role	Area	Commissioned By	Approved by	Agency (Do Not Share)	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2021 to Mar 2022	A high-level list of activities they've been involved with	A summary of the improvements they've made (bullet points of what has improved since the consultants have been here).
Head of SENAR Operations	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Lord	01/09/2021	25/03/2022		Yes	£45,360.00	ALL OF THESE OFFICERS ARE COMPLETING BUSINESS AS USUAL ACTIVITY ON THE ASSESSMENT AND REVIEWS OF EDUCATION HEALTH CARE PLANS. The service has been realigned into locality teams of North, South, East & West as well as dedicated officers to focus on complaint resolution and tribunal activity genertaed	The impact these officers will bring to the service is to maintain a manageable case load and determine the best outcomes for young people and their families.
Interim Project Support Officer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Hays	01/09/2021	25/03/2022		Yes	£6,300.00		
Mediation Officer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	27/09/2021	25/03/2022		Yes	£15,750.00		
Operations Lead Advisor	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£28,350.00		
Plan Writer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Spencer Clarke	01/09/2021	25/03/2022		Yes	£18,900.00		
Plan Writer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£18,900.00		
Plan Writer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£18,900.00		
Resolution Lead	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£34,650.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£21,165.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	04/10/2021	25/03/2022		Yes	£12,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	15/11/2021	25/03/2022		Yes	£6,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	01/11/2021	25/03/2022		Yes	£6,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Spencer Clarke	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	INTERNAL	01/11/2021	25/03/2022		Yes	£3,080.00		

Role	Area	Commissioned By	Approved by	Agency (Do Not Share)	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2021 to Mar 2022	A high-level list of activities they've been involved with	A summary of the improvements they've made (bullet points of what has improved since the consultants have been here).
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00	through the assessments and reviews outcomes.	
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	INTERNAL	01/11/2021	25/03/2022		Yes	£3,080.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Tripod	18/10/2021	25/03/2022		Yes	£10,050.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	08/11/2021	12/11/2021	12/11/2021	No	£6,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	04/10/2021	25/03/2022		Yes	£13,400.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	18/10/2021	25/03/2022		Yes	£10,050.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	25/10/2021	25/03/2022		Yes	£8,375.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Education Futures	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	06/12/2021	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	15/11/2021	25/03/2022		Yes	£6,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,905.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	08/11/2021	25/03/2022		Yes	£6,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Hays	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Spencer Clarke	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	INTERNAL	01/11/2021	25/03/2022		Yes	£3,080.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	15/11/2021	25/03/2022		Yes	£6,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£20,405.00		

6028

Role	Area	Commissioned By	Approved by	Agency (Do Not Share)	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2021 to Mar 2022	A high-level list of activities they've been involved with	A summary of the improvements they've made (bullet points of what has improved since the consultants have been here).
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Spencer Clarke	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case Worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	11/10/2021	26/11/2021	26/11/2021	No	£11,725.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	04/10/2021	25/03/2022		Yes	£12,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	30/10/2021	30/10/2021	No	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	04/10/2021	25/03/2022		Yes	£13,400.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	06/12/2021	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	06/12/2021	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	17/12/2021	17/12/2021	No	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	18/10/2021	25/03/2022		Yes	£10,050.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£20,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	01/11/2021	25/03/2022		Yes	£6,700.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	04/01/2022	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	04/10/2021	25/03/2022		Yes	£13,400.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	18/10/2021	25/03/2022		Yes	£10,050.00		
SEN Case Worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	11/10/2021	25/03/2022		Yes	£11,725.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	INTERNAL	01/11/2021	25/03/2022		Yes	£3,080.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/11/2021	25/03/2022		Yes	£6,700.00		

Role	Area	Commissioned By	Approved by	Agency (Do Not Share)	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2021 to Mar 2022	A high-level list of activities they've been involved with	A summary of the improvements they've made (bullet points of what has improved since the consultants have been here).
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	06/09/2021	25/03/2022		Yes	£21,105.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	13/12/2021	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	20/12/2021	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	06/12/2021	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	06/12/2021	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	04/01/2022	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£14,405.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	04/01/2022	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	04/01/2022	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	04/01/2022	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/02/2022	25/03/2022		Yes	£0.00		
SEN Case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/02/2022	25/03/2022		Yes	£0.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	18/10/2021	25/03/2022		Yes	£13,500.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/11/2021	25/03/2022		Yes	£9,000.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£26,850.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	08/11/2021	25/03/2022		Yes	£9,000.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	04/10/2021	26/11/2021	26/11/2021	No	£9,000.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Hays	01/09/2021	25/03/2022		Yes	£28,350.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	18/10/2021	25/03/2022		Yes	£13,500.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£27,350.00		

6030

Role	Area	Commissioned By	Approved by	Agency (Do Not Share)	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2021 to Mar 2022	A high-level list of activities they've been involved with	A summary of the improvements they've made (bullet points of what has improved since the consultants have been here).
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£28,350.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Spencer Clarke	01/09/2021	25/03/2022		Yes	£28,350.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	18/10/2021	25/03/2022		Yes	£11,200.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	04/10/2021	25/03/2022		Yes	£18,000.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	18/10/2021	25/03/2022		Yes	£11,200.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	25/03/2022		Yes	£28,350.00		
Senior case worker	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Panoramic	01/09/2021	19/11/2021	19/11/2021	No	£193,350.00		
SOUTH - Team Manager	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£31,500.00		
Tribunal Officer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	25/10/2021	25/03/2022		Yes	£9,875.00		
Tribunal Officer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	04/10/2021	25/03/2022		Yes	£17,000.00		
Tribunal Officer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	04/10/2021	25/03/2022		Yes	£17,000.00		
Tribunal Officer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	04/10/2021	25/03/2022		Yes	£18,400.00		
Tribunal Officer	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Baltimore	27/09/2021	25/03/2022		Yes	£11,000.00		
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Smart Education	01/09/2021	25/03/2022		Yes	£7,853.84	These officers are maintaining the Parent &	Increasing the support to families whilst the service
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Smart Education	01/09/2021	25/03/2022		Yes	£7,245.00		
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Smart Education	01/09/2021	25/03/2022		Yes	£7,245.00		

Role	Area	Commissioned By	Approved by	Agency (Do Not Share)	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2021 to Mar 2022	A high-level list of activities they've been involved with	A summary of the improvements they've made (bullet points of what has improved since the consultants have been here).
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Smart Education	01/09/2021	25/03/2022		Yes	£7,245.00	School link service - offering support and advice to parents, carers, young people and schools	undergoes the significant change needed to provide a better service to citizens of Birmingham
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Smart Education	01/09/2021	25/03/2022		Yes	£7,245.00		
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£7,853.84		
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£7,853.84		
Interim Link Officers	SENAR	AD SEND & Inclusion	E&S Workforce Review Board	Venn	01/09/2021	25/03/2022		Yes	£7,853.84		
Interim Communication officer	SEND Strategic Transformation	AD SEND & Inclusion	E&S Workforce Review Board	Hays	01/09/2021	25/03/2022		Yes	£22,050.00	These officers are working directly on the SEND transformation objectives set out in the Accelerated Progress Plan	The impact these officers are having is yet to be determined as this is a new function within the service following the Ofsted inspection outcome
Interim SEND Transformation Lead	SEND Strategic Transformation	AD SEND & Inclusion	E&S Workforce Review Board	Lord	01/09/2021	25/03/2022		Yes	£31,500.00		
PMO Manager	SEND Strategic Transformation	AD SEND & Inclusion	E&S Workforce Review Board	Hays	18/10/2021	25/03/2022		Yes	£18,000.00		
Project Support Officer	SEND Strategic Transformation	AD SEND & Inclusion	E&S Workforce Review Board	Hays	18/10/2021	25/03/2022		Yes	£15,600.00		
Co-Production Officer	SEND Strategic Transformation	AD SEND & Inclusion	E&S Workforce Review Board	Hays	18/10/2021	25/03/2022		Yes	£17,250.00		
Performance Officer	SEND Strategic Transformation	AD SEND & Inclusion	E&S Workforce Review Board	Venn	18/10/2021	25/03/2022		Yes	£13,500.00		

QUESTION J4 – APPENDIX 2

Agency	Spend	Confirmed Address
Baltimore	£403,600	PS21, 21 Princes Street, Bristol, BS1 4PH
Education Futures	£83,000	19 New Street, Horsforth, Leeds, LS18 4BH
Hays	£1,508,961	1 Colmore Square, Birmingham, B4 6AJ
Lords	£230,900	Crown House, The Square, Alvechurch, Birmingham B48 7LA
Panoramic	£2,275,790	St Bartholomew's House, Lewins Mead, Bristol, BS1 2NH
Penna	£320,000	2nd Floor, 10 Bishops Square, Spitalfields, London, E1 6EG
Smart Education	£144,833	1-3 The Courtyard, Calvin Street, Bolton, BL1 8PB
Spencer Clarke	£328,465	11 Bartle Court Business Centre, Rosemary Lane, Preston, PR4 0HF
Tile Hill	£105,000	York House, 221 Pentonville Road, London N1 9UZ
Venn Group	£581,446	Waterloo House, 20 Waterloo Street, Birmingham, B2 5TB

Birmingham City Council

City Council

1 February 2022

Subject:	Lead Member Report: West Midlands Fire and Rescue Authority
Report of:	Cllr Zafar Iqbal, Lead Member

Does the report contain confidential or exempt information? ☐ Yes ☒ No

1 Recommendation

1.1 That the report be noted

2 West Midlands Fire and Rescue Authority (WMFRA)

2.1 The first Fire Authority meeting for the new Municipal Year 2021-2022, took place on Monday 04 October and was conducted as a hybrid meeting. The following public business items discussed were:

2.1.1 Community Risk Management Plan Objectives

In February 2021 the Fire Authority approved it's 3 year rolling Strategy and the development of Community Risk Management Plan (CRMP) proposals. These had been identified from an analysis of foreseeable risk to fire and other related incidents across the West Midlands Conurbation.

These proposals sought to identify how West Midlands Fire Service (WMFS) could maintain and improve its delivery of services to local communities. These proposals continue to be developed and trialled working with all key stakeholders for implementation from April 2022 onwards.

The report taken to Fire Authority, outlined to Members the Strategic CRMP objectives and the additional options that are being progressed in line with CRMP objectives to support the delivery of the 3-year rolling Strategy were also referenced. Information is provided below on the Technical Rescue Unit at Sutton Coldfield, which is a key part of working towards these

objectives. Future S41 reports will provide further updates on the CRMP objectives as they progress.

2.1.2 Decisions made under ‘Matters of Urgency’ - Retention of retired employees

The decision made under ‘matters of urgency’ as per the report, introduced a new Retention Policy to provide an additional workforce planning tool and form part of the re-organisation, redeployment, redundancy policy. The policy will enhance the management of corporate risk by retaining key knowledge, skills and experience using temporary or fixed term contracts where this is considered appropriate. In addition, it will enable and support WMFRA to improve its talent management succession planning processes. It may also support financial efficiencies in support of the Community Risk Management Plan (CRMP).

2.1.3 Audit Findings Report 2020-2021

Grant Thornton’s report informed Members of the audit work undertaken and the key messages arising from the external audit work undertaken during the year. The Audit Findings Report is designed to support the Auditor’s opinions and conclusions and is a requirement of the Code of Audit Practice.

2.1.4 Statement of Accounts 2020-2021

The Statement of Accounts were approved at the Audit and Risk Committee meeting, that took place on Monday 27 September 2021, to ensure the publication deadline of 30 September 2021 (amended by the Accounts &Audit (Amendment) Regulations 2021), be met. A copy of the statement of Accounts, taken to Audit and Risk Committee, can be found on the Fire Authority’s website.

2.1.5 Monitoring of Finances

This report deals with the monitoring of the finances of the Authority in the current financial year and covers revenue expenditure and the Capital Programme. Expenditure is compared with a profile of the Authority’s budget. A copy of the report can be found on the Fire Authority’s website.

2.1.6 Contract Awards Summary for Period to 30 September 2021

In accordance with the WMFRA Constitution, a retrospective twice yearly summary report of tender contract awards in excess of £250,000 are submitted to the Fire Authority for information purposes. A summary of tender award contracts can be found in Appendix 1 of the report on the Fire Authority’s website

3 WMFS Activities during the last quarter

3.1 Full Inspection

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) have recommenced their full Inspection regime for Round 2. West Midlands has been moved to the final tranche of Services for inspection, at dates to be confirmed for between March and July 2022.

As part of the Inspectorates initial assessment of Fire and Rescue Services, WMFS received its first full inspection in 2018/19.

In general, during the first full inspection, the Inspectorate found that:
1.The extent to which the service is effective at keeping people safe and secure from fire and other risks is **good**.
2. The extent to which the service is efficient at keeping people safe and secure from fire and other risks is **good**.
3. The extent to which the service looks after its people is **good**.

The Authority was particularly proud to find that WMFS was to be the only Fire and Rescue Service to be rated **'outstanding**' for how effective the Service was in responding to fires and other emergencies.

The COVID inspection that took place in 2020 found that WMFS was managing its services well during the pandemic.

3.2 White Paper on Fire Reform

As part of the conclusion of Part One of the Police and Crime Commissioner Review, the Home Secretary outlined proposals to reform governance within the fire sector as part of a ministerial statement published in March 2021. As a result of the proposals, the statement included the announcement of the publication of a White Paper which will be used to set out the reform agenda in further detail. It is expected that the White Paper will be published later this year (October 2021 onwards).

3.3 Core Code of Ethics

A Core Code of Ethics has been published for Fire and Rescue Services, following collaboration between the Local Government Association, National Fire Chief Council and Association of Police and Crime Commissioners. The Core Code will help the service continuously improve culture and workforce diversity.

3.4 Helping to battle devastating Greece wildfires

In support of the National Resilience arrangements and capability, West Midlands firefighters flew out to Greece to help battle wildfires that devastated the country. Wildfires had swept across the country following the most severe heatwave in 30 years, which had seen temperatures soared to 45 deg (113F).

3.5 Sutton Coldfield Fire Station to host Technical Rescue Unit from May 2022

From 2022, Sutton Coldfield Fire Station will become WMFS' third Technical Rescue Station, home to some of the most highly trained firefighters in the service. As well as responding to life-risk incidents (referred to as "Category One") such as

dwelling fires and road traffic collisions, they will also be trained to respond to more specialist incidents. This includes rope rescue, water rescue, collapsed building structures and terrorist attacks.

This change has been made to ensure that WMFS remains as ready as possible to respond to a growing range of risks and threats, including climate change. It ensures that WMFS will not only have 50% more TRU trained staff, but also better coverage in the north of the West Midlands conurbation, to supplement the existing units in Wednesbury and Bickenhill.

Sutton Coldfield will remain a Community Fire Station, still holding regular open days and hosting community groups who may wish to use the station's facilities. Sutton's crews will also undertake important fire safety inspections within the Sutton Coldfield area, as well as more targeted prevention work, in areas such as water safety.

Those prevention activities they are unable to undertake will be delivered by crews from elsewhere in the service, ensuring that the people of Sutton Coldfield still benefit from WMFS's up-stream approach to preventing fires. Experience from other TRU stations shows that this can be managed effectively.

4 Key performance information for Birmingham

4.1 For Quarter Two 2021/22, ending 30 September 2021.

4.1.1 Information is collated from WMFS incident data collected via a digital workbook; the one exception is the Killed or Seriously Injured in Road Traffic Collisions (RTC) which is provided by West Midlands Police.

PREVENTION AND PROTECTION

Performance Indicator	Actual	Target	3yr avg	Last Year	Performance against target	.	Difference against Target
Accidental Dwelling Fires	341	373	373.0	383	-8.6%	●	-32
Accidental Non-Domestic Fires	78	91	89.0	63	-14.3%	●	-13
Deaths in Accidental Dwelling Fires			1.0	2	N/A		
Deliberate Derelict Building Fires	14	18	18.0	12	-22.2%	◆	-4
Deliberate Dwelling Fires	47	52	51.7	55	-9.6%	●	-5
Deliberate Non-Domestic Fires	24	36	35.7	40	-33.3%	◆	-12
Deliberate Rubbish Fires	229	291	291.0	228	-21.3%	◆	-62
Deliberate Vehicle Fires	104	148	148.0	126	-29.7%	◆	-44
False Alarms (Equipment)	1,254	1,392	1,392.0	1342	-9.9%	●	-138
Injuries in Accidental Dwelling Fires	7	12	11.7	7	-41.7%	◆	-5
Killed or Seriously Injured in RTCs	29	208	216.3	177	-86.1%	◆	-179

RESPONSE					
Risk Category	Avg attendance time	Target	% in target	% in target (High Risk areas)	Avg att time 2nd app
Cat 1 (High Risk)	04:33	05:00	61.8%	67.5%	06:22
Cat 2 (Medium Risk)	05:09	07:00	77.7%	84.6%	07:21
Cat 3 (Low Risk)	04:51	10:00	93.9%	96.3%	06:54
Cat 4 (Secondary Fires that attract a 20 minute-response time)	06:47	20:00	98.5%	98.8%	
Cat 5 (False Alarms)	05:25				

Key:	
Blue	Over performance against the tolerance levels
Green	Performance is within the tolerance levels
Red	Under performance against the tolerance levels

5 A snapshot of WMFS activity:

5.1 Fire Control handled a total of **25,876 calls in quarters 1 and 2**, in an average of **75 seconds per call.**

5.2 The Service attended **14,272 incidents** in total across the West Midlands and they arrived at the most serious in an average of just **4 minutes 41 seconds**.

5.3 A total of **37 large–scale training exercises** have been held across the Service to date – that's more than one a week!

5.4 **19,325 Safe & Well visits (8587 in Birmingham)** have been carried out to date, of which **41.7% (37.4% in Birmingham)** originated from **partner referrals**.

5.5 **4980 Safe & Strong visits (2184 in Birmingham)** have been carried out to date.

6 Further information

6.1 For the most up to date themes and subject areas issued by the West Midlands Fire Service, please visit either our website at: https://www.wmfs.net/ or via our Twitter account or Facebook page.

Birmingham City Council

City Council

1st February 2022

Subject:	Annual Report 2020-21, Audit Committee
Report of:	Chair of Audit Committee
Report author:	Councillor Fred Grindrod

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

1.1 This report provides a summary of the work of the Audit Committee over a 12-month cycle.

2 Motion

2.1 That the report be noted.

3 Background

3.1 The Audit Committee is a key component of the Council's governance framework.

3.2 The role of the Audit Committee is set out within its terms of reference. Supporting guidance and best practice is provided by the Chartered Institute of Public Finance (CIPFA) within its publication - 'Audit Committees - Practical Guidance for Local Authorities and Police 2018'.

3.3 This guidance recommends the publication of an annual report to account for the work of the Committee.

3.4 The attached report, Appendix A, summarises the work of the Audit Committee completed between September 2020 and September 2021, the approval cycle for the Annual Governance Statement (AGS) and Annual Statement of Accounts.

3.5 Publication of the report has been withheld pending the completion of the External Audit on the 2020-21 Final Accounts. Although, at the time of writing, the External Auditor had substantially completed their audit, they were still finalising their assessment of any potential impact on the accounts arising from post year events. This work is expected to be completed imminently and the accounts formally agreed.

Audit Committee Aims

3.6 The Committee's role is to challenge, assess and gather assurance from within the Council and from external agencies, on the level and quality of the internal control and risk management processes in place to ensure that Council objectives are met. The benefits gained from operating an effective committee are that it:

- contributes to the development of an effective control environment including arrangements for management of risk.
- increases stakeholder confidence in the objectivity and fairness of financial and other reporting by promoting transparency and accountability.
- reinforces the importance and independence of internal and external audit and any other similar review process and the implementation of audit recommendations.
- advises on the adequacy of the assurance framework and considers whether assurance is deployed efficiently and effectively to give assurance that business objectives are met.
- helps the authority to implement the values of ethical governance, including effective arrangements for countering risks of fraud and corruption.

Activities Undertaken

3.7 During the year the Audit Committee has considered the following key governance areas and sought assurance on the management of risk and the effectiveness of key controls:

- Review of the Effectiveness of the Audit Committee:
  - Ways of working.
  - Strengthening assurance arrangements.
- Assurance Statements and Governance:
  - Approving and monitoring the Annual Governance Statement.
  - Receiving Assurance updates.
- Risk Management:
  - Reviewing the mechanisms for the assessment and management of risk, thereby developing the Council's ability to respond to known and emerging risks.

    - Overseeing the Council's Treasury Management arrangements.
- Performance Management, Quality Management and Value for Money:
    - Monitoring of, and contribution to, the development of the Council's Statement of Accounts.
    - Reviewed the value money concerns raised by the external auditor.
    - Reviewed the Local Government and Social Care ombudsman annual report ensuring lessons learnt are acted upon.

- Financial Reporting, External Audit, Inspection and Assurance:
    - Maintaining a good working relationship with the external auditor.
    - Approving the response to recommendations and monitoring the action.
- Internal Audit and Counter Fraud:
    - Approving arrangements and monitoring performance of Internal Audit and Counter Fraud.
    - Ensuring internal audit independence and that findings are actioned by managers and consequently help to improve the Council's effectiveness and governance arrangements.

Conclusion

3.8 It is recognised that high performing councils develop effective financial and non-financial control mechanisms through the ongoing liaison and development of expertise made available by the establishment of an Audit Committee, meeting on a regular cycle, with terms of reference focussed on the key audit, control and risk management areas critical to the Council's performance.

3.9 Having considered the available guidance, the terms of reference and duties of the Audit Committee, and the work undertaken, it is my assessment that the Committee has carried out its roles effectively and provided effective challenge across a range of governance related issues.

4 Appendices

4.1 Appendix A, Annual Report 2020-21, Chair of Audit Committee.

Annual Report from the Chair of Audit Committee to City Council

1st February 2022

Assurance, Governance, Accountability, Risk Management, Independence

Foreword by the Chair

Both Central Government and The Chartered Institute of Public Finance & Accountancy (CIPFA) promote the view that certain governance related functions are best delivered by an audit committee. Best practice guidelines recommend that Audit Committees publish an annual report to maintain transparency and accountability, account for its performance, explain its work, and set out the assurance that has been drawn.

This report summarises the work of the Audit Committee completed between September 2020 and September 2021. It describes the purpose and core functions of the Council's Audit Committee and summarises the assurance activities undertaken; this includes:

- Assurance Statements and Governance:
  - Approving and monitoring the Annual Governance Statement.
  - Receiving Assurance updates from Cabinet Members.

- Risk Management:
  - Reviewing the mechanisms for the assessment and management of risk, thereby developing the Council's ability to respond to known and emerging risks.
  - Overseeing the Council's Treasury Management arrangements.

- Performance Management, Quality Management and Value for Money:
  - Monitoring of, and contribution to, the development of the Council's Statement of Accounts.
  - Reviewing the value for money concerns raised by the external auditor.
  - Reviewing Ombudsman reports seeking assurance that lessons learnt are acted upon.

- Financial Reporting, External Audit, Inspection and Assurance:
  - Maintaining a good working relationship with the external auditor.
  - Approving the response to recommendations and monitoring the action.

- Internal Audit and Counter Fraud:
  - Approving arrangements and monitoring performance of Internal Audit and Counter Fraud.
  - Ensuring internal audit independence and that findings are actioned by managers and consequently help to improve the Council's effectiveness and governance arrangements.

The Purpose of Audit Committee

The Audit Committee is a key component of the Council's governance framework. Its purpose is to provide those charged with governance with an independent assurance on the adequacy of the:

- risk management framework.
- internal control environment.
- integrity of the financial reporting.
- governance code and framework.

This assurance helps to drive and support the effective performance and operation of the Council.

The core functions of the audit committee are to:

- be satisfied that the authority's assurance statements, including the annual governance statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievement of the authority's objectives.
- in relation to the authority's internal audit functions:

  - oversee its independence, objectivity, performance and professionalism.

  - support the effectiveness of the internal audit process.

  - promote the effective use of internal audit within the assurance framework.
- consider the effectiveness of the authority's risk management arrangements and the control environment, reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations.
- monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption.
- consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control.
- support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process.
- review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

Committee Aims

In summary, the Committee's role is to challenge, assess and gather assurance from within the Council and from external agencies, on the level and quality of the internal control and risk management processes in place to ensure that Council objectives are met. The benefits gained from operating an effective committee are that it:

- contributes to the development of an effective control environment including arrangements for management of risk.
- increases stakeholder confidence in the objectivity and fairness of financial and other reporting by promoting transparency and accountability.
- reinforces the importance and independence of internal and external audit and any other similar review process (e.g. providing a view on the AGS) and the implementation of audit recommendations.
- advises on the adequacy of the assurance framework and considers whether assurance is deployed efficiently and effectively to give assurance that business objectives are met.
- helps the authority to implement the values of ethical governance, including effective arrangements for countering risks of fraud and corruption.

Membership

The Audit Committee was made up of 8 non-executive councillors appointed to reflect the political balance of the Council. The current members of the Committee are:

Councillor Fred Grindrod (Chair)
Councillor Paul Tilsley (Vice Chair)
Councillor Marje Bridle
Councillor Simon Morrall
Councillor Sir Albert Bore
Councillor Meirion Jenkins
Councillor Hendrina Quinnen
Councillor Safia Akhtar

Work Undertaken

A summary of activity categorised by the main topic or source of the assurance is given below. The summary is derived from the reports and presentations set before the Committee in the period, which are detailed in **Appendix A**.

Impact of COVID-19

As with all Committees the recent Pandemic has had an adverse impact on the Audit Committee. In order to ensure the safety of Members and Officers it was necessary to move to virtual meetings from June 2020. Attended meetings were resumed in June 2021.

Audit Committee - Work Undertaken September 2020 and September 2021

Audit Committee Effectiveness

An Audit Committee is central to the provision of effective corporate governance. It is recognised that high performing councils develop effective financial and non-financial control mechanisms through the ongoing liaison and development of expertise made available by the establishment of an Audit Committee, meeting on a regular cycle, with terms of reference focussed on the key audit, control and risk management areas critical to the Council's performance. It is essential that the work of the Committee supports the Council's aim to improve its efficiency and effectiveness.

In order to ensure its efficiency and effectiveness in fulfilling its terms of reference the Committee follows the CIPFA recommended best practice framework for Audit Committees. This includes:

- A clear term of reference which sets out the Audit Committee's purpose.
- Access to audit reports.
- The ability to request relevant officers attend meetings to explain issues.
- Reviewing the Annual Governance Statement on an annual basis and monitoring progress on key areas of concern.
- Its independence and good relationships with key officers.
- Regular reporting from internal and external audit.
- An action tracker.

In order to support the effectiveness of the Audit Committee an independent advisor has now been appointed. In line with the best practices guidelines this independent advisor enables Members to draw on additional knowledge and expertise in fulfilling their role.

Assurance Statements and Governance

Annual Governance Statement (AGS)

Included in this Committee's terms of reference is the core function that it should be "satisfied that the authority's assurance statements, including the AGS, properly reflect the risk environment and any actions required to improve it."

The Accounts and Audit Regulations 2015 require the publication of an AGS following an (at least) annual review of the effectiveness of the Council's internal control. In order to produce the AGS an annual timetable is required to ensure key tasks are undertaken to deliver the Statement alongside the Council's Statement of Accounts (SOA). The Committee has delegated authority for the formal approval of the AGS.

The 2016 CIPFA/SOLACE publication "Delivering Good Governance in Local Government Framework" provides the principles by which good governance should be measured. This has been adopted as the Council's Local Code of Corporate Governance by the Audit Committee.

The Council's governance arrangements aim to ensure that it sets and meets its objectives and responsibilities in a timely, open, inclusive and honest manner. The governance framework comprises the systems, processes, cultures and values by which the Council is directed and controlled, and through which it engages with, and leads the community to which it is accountable. Every council and large organisation operates within a similar framework, which brings together an underlying set of legislative requirements, good practice principles and management processes.

Summary of work

The AGS reflects the governance framework operating within the Council and its significant partnerships, groups and trusts. The issues identified in the AGS and the consequent plans for their mitigation are used to direct corporate resources, including those of Internal Audit.

The Council's Statement of Accounts for 2019-20 including the AGS were approved by Committee on 25th November 2020.

Within the letter of representation issued by the then Acting Chief Finance Officer assurance was provided that the AGS fairly reflects the Council's risk assurance and governance framework and we confirm that we are not aware of any significant governance issues that are not disclosed within the AGS.

The Council's draft Statement of Accounts for 2020-21 including the AGS were reviewed by Committee on 29th June 2021 and subsequential approved on 19th October 2021. The 2020-21 AGS included eight significant governance issues:

- COVID-19 Pandemic impact on services.
- COVID-19 Pandemic impact on Financial Resilience.
- Major Projects and Delivery Plan.
- Homelessness and Temporary Accommodation.
- Asset Condition and Sufficiency.
- Commonwealth Games.
- Commissioning and Contract Management.
- Birmingham SEND Inspection.

The Audit Committee will continue to monitor progress against these issues throughout the year.

Governance of Group Companies

Good governance of those companies in which the Council has an interest in is an integral part of the governance arrangements of the Council as these ventures involve the expenditure of public money and the stewardship of public resources. The Cabinet Committee - Group Company Governance's role is to ensure that the Council's strategic objectives are met across the group of companies and work to improve the level of Council oversight of the activities of those companies

Summary of Work
The Audit Committee reviewed the Group Accounts included within the Council's Financial Statements. The Council's Financial Statements reference the financial impact of the COVID-19 pandemic. The Cabinet Committee – Group Company Governance yearly "Group Boundary" exercise also raised significant concerns in relation to impact of the COVID-19 pandemic. This exercise seeks to define which subsidiaries, associates and joint ventures are consolidated with the Council's financial statements to produce the Group Accounts. This exercise includes assurance statements from those companies that meet the criteria for consolidation, or which may meet the criteria in the near future. The assurance statements are broken down into three main areas:

- Company Environment – looking at the governance arrangements of the company.
- The Identification, Mitigation and Reporting of Risk – looking at how the company manages risk.
- Financial Statements – looking at factors that may impact on the company's financial health and financial statements.

The Committee reviewed the assurances provided on 30th March 2021.

Risk Management

The Committee's key risk management role is to provide assurance on the adequacy of the Council's Risk Management Framework (RMF) and the associated control environment by reviewing the mechanisms for assessing and managing risk.

Summary of Work
The Committee has received regular updates on the implementation of the RMF together with the most significant risks. Assurances on the management of these key risks have been sought during Cabinet Members assurance sessions.

Treasury Management

Treasury management is the management of an organisation's borrowings and investments, the effective management of the associated risks and the pursuit of optimum performance or return consistent with those risks.

The Council's treasury management function operates in accordance with the CIPFA Treasury Management Code of Practice (the TM Code) and Prudential Code. The TM Code requires authorities to nominate a body within the organisation to be responsible for scrutiny of treasury management activity.

Summary of Work
The Committee have reviewed the Treasury Risk Management arrangements including the Council's:

- Treasury Management Strategy and Policy.
- Treasury Management Practices.
- Treasury management reporting and monitoring.

Performance Management

It is essential for the Council to have a performance management framework in place which effectively measures and reports success in delivering the key priorities that have been set.

Summary of Work

The Committee received update from the Leader in September 2021 as part of the first Cabinet Member assurance session on the development of the Council's Delivery Plan, which included the Council's Transformation Plan.

Updates on key issues were also obtained from each Cabinet Member during the monthly assurance sessions.

Statement of Accounts, External Audit, Inspection and Assurance

This area of work covers external providers of assurance including external audit, which is the key external provider of assurance for financial stewardship and accountability.

Statement of Accounts External Audit

The Committee has a duty to scrutinise the Council's financial and non-financial performance, to the extent that it affects the Council's exposure to risk and the control environment, and to oversee the financial reporting process. It also has the responsibility to approve the Council's Statement of Accounts (SOA) and to consider the external auditor's annual letter, relevant reports and the report to those charged with governance.

External audit gives an independent view of the stewardship and accountability roles of the Council. The duties and powers of the external auditor are set out in statute and in the Audit Commission's statutory code of practice.

Summary of work

In March 2021 the Committee reviewed and agreed the accounting policies on which the 2020-21 SOA have been prepared.

The CIPFA Financial Management Capability Report – Five Star Assessment Update – Final Assessment June 2021 – was reviewed by the Committee in July 2021. This commented that "Birmingham has moved beyond sound financial management towards highly effective financial management capability". The high-level commentary noted:

- Strong overall progress made since 2018-19 assessment – we have a high level of confidence that the TOM Project Board will deliver an optimal Finance structure and overarching model that will make Birmingham a Finance 'centre of excellence'.
- Financial management has been significantly transformed.
- Financial resilience now moderate.
- The Council has now achieved a three star rating from CIPFA's five star global model.

- Substantial improvements have been made to address the critical priority areas highlighted in 2018-19 including accountability for financial performance, the setting of a robust financial strategy, in-year reliability and forecasting and strengthening of financial discipline throughout the organisation
- Significant potential to improve further –towards four stars within 18 months – September/October 2022 given current level of progression

Throughout the year the Committee received reports from the Council's external auditors, detailing their work plans and the progress they had made. The Committee has monitored and received regular updates on the progress made in discharging any recommendations made by the external auditor.

The 2020-21 draft accounts were opened for public inspection on 1 July 2021 for a period of 30 working days. The final accounts were presented at the Committee's October meeting for approval together with the External Auditors Findings Report setting out the findings and conclusions arising from their audit.

The Council's External Audit concluded within their *Audit Findings Report Year ending 31 March 2021*

Conclusion:

Financial Statements

Our audit of your financial Statements is ongoing, and subject to outstanding queries being resolved; we anticipate issuing an unqualified opinion following the Audit Committee meeting on 19th October 2021.

Value for Money Arrangements

"We have not yet completed all our VFM work and are not expecting to be in a position to issue our Auditors Annual Report. An audit letter explaining the reasons for the delay was presented to the September Audit Committee. We are intending to issue our Auditor Annual Report by 30th November 2021. This is in advance of the National Audit Office's revised deadlines, which requires the Auditor's Annual Report to be issued no more than three months after the date of the opinion on the financial transactions (which is likely to be January 2022 in Birmingham's case). At the time of writing this report, we have substantively completed our overall review of the Council's arrangements covering the NAO's specific reporting criteria of 'Improving Economy Efficiency and Effectiveness', 'Financial Sustainability', and 'Governance'. We are currently working through our final queries in these areas.

As part of our work, we have considered whether there are any risks of significant weakness in the Council's arrangements for securing economy, efficiency, and effectiveness in its use of resources. At the time of writing this report we have identified the risk set out in the table below. Two of these risk (relating to the Council's SEND service and out IT Audit) have been identified since the issue of our Audit Plan. Our work on these risks is underway and an update is set out below."

Although, at the time of writing, the External Auditor had substantially completed their audit, they were still finalising their assessment of any potential impact on the accounts arising from post year-end events. This work is expected to be completed imminently and the accounts formally agreed.

Local Government and Social Care Ombudsman and the Housing Ombudsman Annual Review 2019/20

In line with the agreed terms of reference the Audit Committee receive reports for the Ombudsman and seek assurance that lessons learnt are acted upon.

Complaints need to be used to influence service improvement and therefore to increase customer satisfaction and to highlight areas where controls may be failing.

Summary of work

In January 2021 the Committee received an update on the Ombudsman complaint concerning Birmingham Children's Trust – concerning the failure to recognise the Complainant and her partner as family and friend carers when a private fostering arrangement ended. The Ombudsman found fault causing injustice, and that the complainant had to spend significant sums of money to resolve issues, they missed out on the financial and practical support which they would have been entitled to, and the child spent over two years in a placement that was not legally secure. Recommendations were made to remedy the injustice caused, including the award of compensation in recognition for the uncertainty, distress and frustration caused.

In February 2021 the Committee reviewed the Local Government and Social Care Ombudsman and Housing Ombudsman annual report summarising the work as independent arbiter of complaints about local government administration. Seeking assurance that lessons are being learnt and process improvements made.

In July 2021 the Committee received updates on the Ombudsman complaint concerning the home to school transport department. The complaint related to the Council's handling and consideration of applications and subsequent appeals for home to school transport.

The Ombudsman found fault causing injustice in the 2 complaints received, and due to the faults being very similar it is possible that other families have been similarly affected. Recommendations have been made to remedy the injustice caused, including the award of compensation in recognition for the stress and inconvenience caused

Internal Audit and Counter Fraud

One of the Committee's key roles is to review and monitor the work of Internal Audit (IA). The Public Sector Internal Audit Standards (PSIAS) set out the requirements for Internal Audit, and the Audit Charter sets out the Council's terms of reference for the service. External and internal assessments of Internal Audit under the PSIAS and its Quality Assurance and Improvement Plan (QAIP) help the Committee assess the performance and effectiveness of the service.

The Accounts and Audit Regulations 2015 state that local authorities must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance. The PSIAS require that the responsibility for the management of Internal Audit is set with the Board. In practical terms, at the Council, this Board responsibility is vested in the Audit Committee, Section 151 Officer, and Monitoring Officer, who exercise their Board responsibility via the Constitution and the associated policies and procedures.

Summary of work

The service affects the achievement of corporate objectives by bringing a systematic disciplined approach to improve the effectiveness of risk management control and governance processes and is an important part of the Council's governance and control framework.

The Audit Committee agreed:

- the Internal Audit Charter.
- the Internal Audit Annual Workplan.
- performance updates.

In June 2021 the Committee received the Annual Report from the Assistant Director Audit and Risk Management. The report gave a reasonable assurance on the core systems of internal controls evaluated. It also detailed the response following the effects of the COVID-19 Pandemic and gave assurances resources were prioritised and concentrated on emerging issues to ensure that significant systems and risks were appropriately targeted.

As in any large organisation some significant issues that required action were identified. All significant issues have been reported to the appropriate Director during the year. Significant issues are also brought to the attention of the Committee to monitor and ensure the agreed actions were progressed.

Internal Audit continue to coordinate counter fraud activities in line with the Counter Fraud Strategy. During the year the Audit Committee received the Internal Audit Annual Fraud Report containing an assurance on the systems for preventing and detecting fraud across the Council.

Conclusion

An Audit Committee is central to the provision of effective corporate governance. It is important that local authorities have independent assurance about the mechanisms underpinning their governance arrangements. It is recognised that high performing councils develop effective financial and non-financial control mechanisms through the ongoing liaison and development of expertise made available by the establishment of an Audit Committee, meeting on a regular cycle, with terms of reference focussed on the key audit, control and risk management areas critical to the Council's performance.

The work of the Committee supports the Council's aim to improve its efficiency and effectiveness. In common with the requirement for Overview & Scrutiny

Committees/Panels, and in accordance with CIPFA guidance, the Committee is politically balanced and does not have Executive membership.

Having considered the available guidance, the terms of reference and duties of the Audit Committee, the work undertaken and assurances sought, it is my assessment that the Committee has carried out its roles effectively and provided effective challenge across a range of governance related issues.

Finally, I offer my thanks and appreciation to all Members of the Committee for their proactive contributions which have continued to facilitate constructive challenge; Officers for their support and help in carrying out our role; and the External Auditor for their constructive engagement, contributions and responses.

Councillor Fred Grindrod
Chair of the Audit Committee

Appendix A – List of Reports to Audit Committee by Date

20th October 2020

ASSURANCE SESSION – DEPUTY LEADERS PORTFOLIO verbal	• Q&A around Portfolio and Risk Managements (the Director of Digital & Customer Services Support) • Governance on the Delivery Plan (Chief Exec) • Implications of leaving the EU – BCC Brexit Readiness Programme.
RETROSPECTIVE PURCHASE ORDERS Report of the Interim Chief Finance Officer	• Information on retrospective purchase orders
FINANCIAL STATEMENTS – SENIOR OFFICER NOTE Report of the Interim Chief Finance Officer	• Updated Note on Senior Officer remuneration to be included in the Council's Financial Statements

25th November 2020

ANNUAL GOVERNANCE STATEMENT Report of the Interim Chief Finance Officer	• Update on the Annual Governance Statement for approval by Members for inclusion in the Statement of Accounts
STATEMENT OF ACCOUNTS 2019/20 Report of the Interim Chief Finance Officer	• Council's Financial Statements for approval by Members and the external auditor's Audit Findings report
ASSURANCE SESSION – CABINET MEMBER FINANCE & RESOURCES PORTFOLIO The Cabinet Member of Finance & Resources with the Director of Human Resources	• Assurance on key areas within the Cabinet Member's portfolio
RETROSPECTIVE PURCHASE ORDERS Report of the Interim Chief Finance Officer	• Information on retrospective purchase orders
INDEPENDENT ADVISOR TO AUDIT COMMITTEE Report of the Assistant Director, Audit & Risk Management	• To consult the committee on future requirements
RISK MANAGEMENT UPDATE Report of the Assistant Director, Audit & Risk Management	• Update Members on the management of strategic risks and implementation of the Risk Management Framework
BIRMINGHAM AUDIT – HALF YEAR UPDATE REPORT 2020/21 Report of the Assistant Director, Audit & Risk Management	• Provide Members with information on outputs and performance measures in relation to the provision of the internal audit service during the first half of 2020/21

Appendix A – List of Reports to Audit Committee by Date

26th January 2021

ASSURANCE SESSION – CABINET MEMBER FINANCE & RESOURCES PORTFOLIO Verbal update Report of the Cabinet Member for Finance & Resources with the Director of Human Resources	• Assurance on key areas within the Cabinet Member's portfolio
RISK MANAGEMENT UPDATE Report of the Assistant Director Audit and Risk Management	• Update Members on the management of strategic risks and implementation of the Risk Management Framework
BIRMINGHAM AUDIT – HALF YEAR UPDATE REPORT 2020/21 Report of the Assistant Director, Audit & Risk Management	• Provide Members with information on outputs and performance measures in relation to the provision of the internal audit service during the first half of 2020/21
TREASURY RISK MANAGEMENT ARRANGEMENTS Report of the Interim Head of Capital and Treasury Management	• Provide an update to members on the Council's treasury risk management arrangements
AUDIT FINDINGS REPORT Report of the Interim Chief Finance Officer	• Update of the External Auditors Audit Findings Report and provides details of management responses to the recommendations from the report
ANNUAL AUDIT LETTER Report of the Interim Chief Finance Officer	• members to consider and note the External Auditor's Annual Audit Letter
OMBUDSMAN REPORT CONCERNING COMPLAINT ABOUT BIRMINGHAM CHILDREN'S TRUST – RESPONSE TO THE PUBLIC REPORT Report of the Chief Executive Birmingham Children's Trust	• Update on the response to the Ombudsman report concerning the Children's Trust
ASSURANCE SESSION – CABINET MEMBER CHILDREN'S WELLBEING PORTFOLIO Report of the Cabinet Member for Children's Wellbeing Verbal discussion	• Assurance on key areas within the Cabinet Member's portfolio

22nd February 2021

ASSURANCE SESSION – CABINET MEMBER HOMES & NEIGHBOURHOODS PORTFOLIO Report of the Cabinet Member for Homes & Neighbourhoods with the Director for Neighbourhoods	• Assurance on key areas within the Cabinet Member's portfolio

Appendix A – List of Reports to Audit Committee by Date

AUDIT PROGRESS REPORT AND SECTOR UPDATE Report of the External Auditors	• Progress report from the External Auditors
THE LOCAL GOVERNANCE AND SOCIAL CARE OMBUDSMAN AND THE HOUSING OMBUDSMAN ANNUAL REVIEW 2019/20 Report of the Interim Chief Executive	• Report summarising the Ombudsman's work as independent arbiter of complaints about local government administration.
PUBLIC SECTOR INTERNAL AUDIT STANDARDS Report of the Assistant Director Audit and Risk Management	• Inform members the requirements of the Public Sector Internal Audit Standards and obtain approval to the proposed external compliance review

30th March 2021

ASSURANCE SESSION – CABINET MEMBER TRANSPORTATION & ENVIRONMENT PORTFOLIO Report of the Cabinet Member Transportation & Environment with the Director of Inclusive Growth.	• Assurance on key areas within the Cabinet Member's portfolio
BIRMINGHAM AUDIT INTERNAL AUDIT PLAN 2021/22 Report of the Assistant Director Audit and Risk Management	• To gain approval of the 2021/22 proposed internal audit plan
AUDIT FINDINGS REPORT - UPDATE Report of the Interim Chief Finance Officer	• Provide updates on progress in implementing actions to meet the recommendations also identified in Appendix 1.
INFORMING THE AUDIT RISK ASSESSMENT – GROUP COMPANY GOVERNANCE Report of the Interim Chief Finance Officer	• Members to consider responses from the Council's group companies on a questionnaire on their Audit Risk Assessment.
ADOPTION OF ACCOUNTING POLICES 2020/21 Report of the Interim Chief Finance Officer	• Approval of the accounting policies adopted for the completion of the Council's accounts for 2020/21.
EXTERNAL AUDITORS - AUDIT PLAN 2020/21 Report of the External Auditors	• External Audit plan and Value for Money risks
EXTERNAL AUDITORS - INFORMING THE AUDIT RISK ASSESSMENT Report of the External Auditors	• External Audit risk assessment

27th April 2021

RISK MANAGEMENT UPDATE Report of the Assistant Director Audit and Risk Management	• Update Members on the management of strategic risks and implementation of the Risk Management Framework

Appendix A – List of Reports to Audit Committee by Date

BCC APPROACH TO SIGNIFICANT ESTIMATES IN THE 2020/21 STATEMENT OF ACCOUNTS
Report of the Interim Chief Finance Officer
	• To notify Members of
	  ○ a change in international standards on auditing that will impact the approach to auditing of estimates
	  ○ the approach planned for significant accounting estimates in the 2020/21 Statement of Account.

EXTERNAL AUDIT PROGRESS REPORT Verbal update of the External Auditors	• External Audit progress report and sector update
ASSURANCE SESSION – CABINET MEMBER HEALTH & SOCIAL CARE PORTFOLIO Report of the Cabinet Member for Health & Social Care with the Interim Chief Executive and the Interim Director of Adult Social Care	• Assurance on key areas within the Cabinet Member's portfolio
ASSURANCE SESSION – CABINET MEMBER SOCIAL INCLUSION, COMMUNITY SAFETY & EQUALITIES PORTFOLIO Report of the Cabinet Member for Social Inclusion, Community Safety & Equalities with the Assistant Chief Executive	• Assurance on key areas within the Cabinet Member's portfolio

29th June 2021

ASSURANCE SESSION – CABINET MEMBER STREET SCENE & PARKS PORTFOLIO Report of the Cabinet Member for Street Scene & Parks with the Director of Neighbourhoods	• Assurance on key areas within the Cabinet Member's portfolio
BIRMINGHAM AUDIT ANNUAL REPORT 2020/21 Report of the Assistant Director Audit and Risk Management	• Provided Members with information on the work and performance of Internal Audit during 2020/21, together with an overall opinion on the effectiveness of the systems of internal control.
ANNUAL GOVERNANCE STATEMENT 2020/21 Report of the Interim Director of Council Management	• Part of the Statement of Accounts and report on the Council's internal control regime.
CIPFA FINANCIAL MANAGEMENT CODE SELF-ASSESSMENT Report of the Interim Director of Council Management.	• To inform Members of the requirements of the CIPFA Financial Management Code, the results of the Council's self-assessment and action being taken
DRAFT STATEMENT OF ACCOUNTS 2020/21 PROCESS & TIMINGS BRIEFING Report of the Interim Director of Council Management.	• Update on the Draft Statement of Accounts 2020/21

Appendix A – List of Reports to Audit Committee by Date

AUDIT FINDINGS REPORT UPDATE Report of the Interim Director of Council Management	• Provide updates on the progress of implementing actions.

26th July 2021

APPOINTMENT OF THE INDEPENDENT ADVISOR TO AUDIT COMMITTEE Verbal update	• Provide an update to the Committee on the appointment of the Independent Advisor
ASSURANCE SESSION – CABINET MEMBER EDUCATION, SKILLS & CULTURE PORTFOLIO Report of the Cabinet Member for Education, Skills and Culture with the Interim Director of Education & Skills	• Assurance on key areas within the Cabinet Member's portfolio
OMBUDSMAN REPORT CONCERNING A COMPLAINT ABOUT HOME TO SCHOOL TRANSPORT DEPARTMENT Report of the Interim Director of Education & Skills	• To brief the committee on the Ombudsman's report findings and recommendations
RISK MANAGEMENT UPDATE Report of the Assistant Director, Audit & Risk Management	• Update Members on the management of strategic risks and implementation of the Risk Management Framework
EXTERNAL AUDITORS PROGRESS REPORT Report of the External Auditors	• External Audit progress report and sector update
CIPFA FINANCIAL MANAGEMENT CAPABILITY REPORT (FMCR) – FIVE STAR ASSESSMENT UPDATE – FINAL ASSESSMENT JUNE 2021 Information update	• Update on the Five Star Assessment

30th September 2021

APPOINTMENT OF THE INDEPENDENT ADVISOR TO AUDIT COMMITTEE Verbal update	• Provide an update to the Committee on the appointment of the Independent Advisor
STATEMENT OF ACCOUNTS 2020/21 & AFR PROGRESS REPORT Report of Director of Council Management	• To brief the Committee on the progress of the audit of the draft Statement of Accounts 2020/21
EXTERNAL AUDITORS PROGRESS UPDATE Report of the External Auditors	• Update of external audit findings
ASSURANCE SESSION – THE LEADER'S PORTFOLIO (including the Council's Transformation Plan) Verbal Discussion	• Assurance on key areas within the Cabinet Member's portfolio

EQUAL PAY UPDATE
Report of the Director of Council Management and the City Solicitor and Monitoring Officer

- Update on equal pay claims

CITY COUNCIL **1 February 2022**

REPORT OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE

GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES

Introduction

1. The purpose of this report is to seek approval to the revised Statement Gambling Principles required to be produced under the Gambling Act 2005.

Background

2. Section 349 of the Gambling Act 2005 requires the Licensing Authority to publish a Statement of Gambling Principles.

3. The current Statement of Gambling Principles has been in effect since February 2019.

4. The City Council is required to approve a new Policy to come into force with immediate effect and the enclosed document is now presented for approval.

5. A review of the Gambling Principles with very few changes to the Statement as per the guidance issued by the Gambling Commission has been completed and a draft Policy was circulated to stakeholders, including (but not limited to) the list of statutory Consultees, being:

   - The Chief Officer of Police.
   - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
   - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

6. The licensing authority invited comments to be submitted on the interim draft Statement of Gambling Principles from 19th November – 17th December 2021.

7. On 19 January 2022, the Licensing and Public Protection Committee considered the responses to the consultation as well as the proposed amendments to the Statement of Principles and approved the draft document.

MOTION

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

(i) the City Solicitor to update the list of Policy Framework Plans to include the same; and

(ii) the Interim Assistant Director of Regulation and Enforcement to do what is necessary to publish and comply with the same.

BIRMINGHAM CITY COUNCIL

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

This Statement of Licensing Principles was approved by Birmingham City Council on XXXXX and is to be Effective from YYYYY.

BIRMINGHAM CITY COUNCIL
STATEMENT OF PRINCIPLES
Gambling Act 2005

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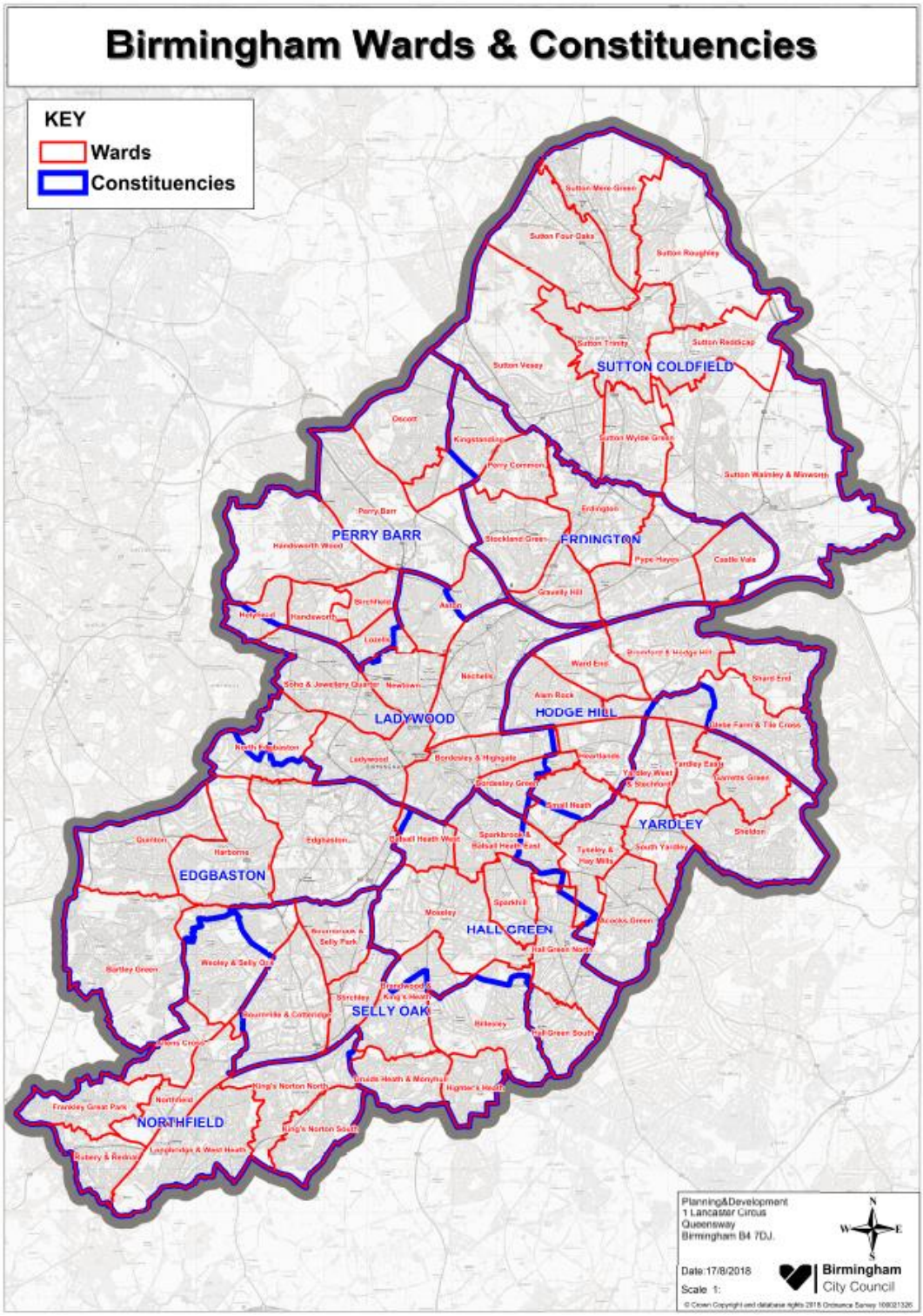
This Statement of Licensing Principles was approved by ***Birmingham City Council on XXXXX*** *and is to be Effective* ***from YYYYY.***

DRAFT

PART A

1. Introduction

Birmingham is the largest city in the United Kingdom after London, with a multi-cultural population of 1,073, 045 (2011 Census). The area covered by the Council is shown in the map below.



Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

Birmingham City Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

Gambling Commission.
West Midlands Police.
Child Protection, Performance and Partnership, Birmingham Children's Trust
HM Revenue and Customs.
Premises Licence Holders.
Bodies representing holders of Premises Licences and Permits.
Trade Associations.
Licensing Solicitors.
Birmingham Safe Bet Alliance
Elected Members.
Gam Care.
Responsible Authorities.
Public notification on City Council Website.
Director of Public Health

Our consultation took place between **Dates to be added**

The full list of comments made and the consideration by the Council of those comments is available by request to The Licensing Service.

The policy was approved at a meeting of the Full City Council on XXXXX and was published via our website on. Copies will be placed in the public library of the City. This Policy is effective from YYYYY.

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following address:

The Head of Licensing, Licensing Service, E-mail: Licensing@birmingham.gov.uk

Any amendments to the Policy will be subject to further consultation.

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

3. Responsible Authorities

Any responsible authority may make representations.

'Responsible Authority' is defined as:

- a licensing authority in whose area the premises is wholly or partly situated;
- the Gambling Commission;
- the Chief of Police within which the premises are situated;
- the Fire Authority within which the premises are situated;
- the local authority Planning Authority within which the premises are situated;
- 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;
- a body which represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and is recognised by the licensing authority for that area for the purpose of this section as being competent to advise it on such matters;
- HM Revenue & Customs;
- any other person prescribed in regulations by the Secretary of State.
- 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 water 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 Canal and River Trust;
  - (iv) the Secretary of State; or
  - (v) any other person prescribed in regulations by the Secretary of State.

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The contact details of Responsible Authorities under the Gambling Act 2005 are attached at Appendix 2 and are also available via the Council's website at www.birmingham.gov.uk

4. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
b) has business interests that might be affected by the authorised activities, or
c) represents persons who satisfy paragraph (a) or (b)"

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

The Licensing Authority will decide each case on its own individual merits and will not apply a rigid rule to its decision making.

The Gambling Commission has recommended that the licensing authority state that interested parties could include trade associations and trade unions, and residents' and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

The Licensing Authority will also consider persons that 'have business interests' as being the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

In implementing this Policy the Licensing Authority will have regard to the provisions

of the Human Rights Act 1998.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach a Councillor to ask them to represent their views then care will be taken to ensure that the Councillor is not a member of the committee dealing with that application.

The Licensing Authority must determine whether or not representations are admissible. A representation is inadmissible if it is not made by a Responsible Authority, or an Interested Party. After that, the authority must then determine its relevance.

The only representations that are likely to be relevant are those that relate to the licensing objectives, or that raise issues under the licensing policy statement, or the Commission's guidance or codes of practice.

Connected to this is the question of what is a 'frivolous' or 'vexatious' representation. In interpreting these phrases, matters the Licensing Authority is likely to want to look at are likely to include:

- who is making the representation, and whether there is a history of making representations that are not relevant;
- whether it raises a relevant issue; or
- whether it raises issues specifically to do with the premises that are the subject of the application.

5. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to any Guidance issued by the

Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

The Licensing Authority will share any information it receives through the application process with the Gambling Commission and other enforcement agencies.

The Licensing Authority will maintain a register of premises licences and permits issued where required and will ensure that the register is open for public inspection at all reasonable times.

The information held will be in accordance with the regulations set by the Secretary of State.

6. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

The Legislation and Regulatory Reform Act 2006 (LRRA) Part 2 requires us also to have regard to the Principles of Good Regulation. We have had regard to the Regulators' Code in the preparation of this policy.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

Birmingham City Council has developed a protocol for enforcement and will continue partnership working with the Gambling Commission and other enforcement organisations 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 regular inspections of licensed premises which, following risk assessments, have been found to be problematic or high risk.

The Licensing Authority already has developed working protocols such as:

- sharing information and good working practices with other enforcement agencies,
- encouraging close co-operation between licensed premises and enforcement agencies to promote the licensing objectives,
- encouraging good working practices and codes of practice by licensed premises to tackle crime and disorder issues,
- establishing a monitoring system in order to identify premises that are disregarding their responsibilities, and to share this information with the Gambling Commission, Police and other enforcement agencies,
- adopting announced and unannounced inspections and visits to premises.

The Licensing Authority will actively seek to advise the licence holders and managers of those premises who wish to comply with legislation and conditions. However, the Licensing Authority will take a firm stand against irresponsible premises licence holders that do not comply.

The Licensing Authority will continue to investigate complaints and conduct proactive enforcement activities to ensure that conditions attached to licences are complied with, and that unlicensed activity is dealt with as appropriate.

The Licensing Authority will exercise its powers under the Act to instigate criminal proceedings where circumstances require.

7. Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act

2003) for the use of two or fewer gaming machines

- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange)
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Information on gaming machines permitted at each premises type, gaming machine entitlements and gaming entitlements for clubs and pubs is available on the Gambling Commission website.
http://www.gamblingcommission.gov.uk/Gambling-sectors/Gambling-sectors

8. Equality

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 licences 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.

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 by attaching conditions in order to promote the licensing objectives, in particular the prevention of crime and disorder and the promotion of public safety.

The Equality Act 2010

The council is committed to: seeking to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, fostering good relations between people who share a protected characteristic and those who do not.

It is recommended that licensees and applicants make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to

discriminate against anyone because of:

- Age
- Being or becoming a transsexual person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation.

In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example, discrimination will be experienced if access to the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at https://www.gov.uk/guidance/equality-act-2010-guidance

Public Sector Equality Duty

As stated above, The Equality Act 2010 also requires the Licensing Authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Birmingham City Council is committed to fulfilling this obligation thoroughly.
Each application will be considered with this in mind.

Some examples of good practice in this regard are as follows:

- An unambiguous, transparent admittance policy. Setting out rules concerning dress policy etc is perfectly acceptable, but policies must not set entry requirements based on race, attractiveness etc.
- Training for all staff on equalities and inclusivity, including recognising their own unconscious bias
- A clear complaints procedure which explains how a person can make a complaint, and how the management will act upon it.

The Council cannot enforce the Act but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the council, we advise the complainant of their rights under the Equality Act.

PART B

PROMOTION OF THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT 2005

The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it is considered to be:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- Reasonably consistent with the licensing objectives, and
- in accordance with the authority's statement of licensing principles.

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

This licensing authority has noted the Gambling Commission's Guidance that with limited exemptions, this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

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PART C

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

In accordance with s153 of the Act, when considering any application (save for Casino premises as per s166), the Licensing Authority will 'aim to permit' licence applications (subject to the mandatory and default conditions) unless there is evidence of a particular risk to the licensing objectives thereby either requiring the imposition of additional conditions, or that the application be refused.

(i) Decision-making:

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with authority's statement of licensing principles.

The Licensing Authority's powers and duties will, where appropriate, be delegated by the Licensing Authority to its Licensing and Public Protection Committee, Licensing Sub Committee and Officers.

The Licensing Authority intends to approach these delegations in accordance with Appendix 1 to the policy.

The Licensing and Public Protection Committee will receive regular reports on decisions made by officers under the scheme of delegation so that it maintains an overview of the general situation.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos and also that unmet demand is not a criterion for a licensing authority.

Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

(ii) Definition of "premises":

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission stated in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Is the premises only accessible from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos
- The principal access entrance to the premises must be from a street.
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre
- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops
- Access must be from a street or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks
- No customer should be able to access the premises directly from:
  - a casino,
  - an adult gaming centre.

Bingo Premises
- No customer must be able to access the premises directly from:
  - a casino,
  - an adult gaming centre,
  - a betting premises, other than a track.

Family Entertainment Centre
- No customer must be able to access the premises directly from:
  - a casino,
  - an adult gaming centre,
  - a betting premises, other than a track.

The Gambling Commission provides further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling":

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

(iv) Location:

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

The Licensing Authority may take into account the impact that the existence of premises may have on an area in so far as it is relevant to the licensing objectives.

For example, the proposed operation of a new premises licence may not be reasonably consistent with the principles of the licensing objectives due to its proximity to:

- a school or other educational facility;
- a residential area with high concentration of families with children;
- a centre for children;
- a centre for vulnerable adults.

The Licensing Authority will therefore consider representations from any responsible authority or interested party based on the impact on the licensing objectives if a particular application were to be granted.

The onus will be on the person making the representation to provide evidence to support their assertions that the addition of the premises would have the suggested impact on the licensing objectives.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters and when dealing with a premises licence application for finished buildings, the licensing authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

(vi) Duplication with other regulatory regimes:

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

(Vii) Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In accordance with s153 of the Act, when considering any application (save for Casino premises as per s166), the Licensing Authority will 'aim to permit' licence applications (subject to the mandatory and default conditions) unless there is evidence of a particular risk to the licensing objectives thereby requiring the imposition of additional conditions.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are offered in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. This licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to

premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

(Viii) Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

(ix) Betwatch - There are a number of established Bet-Watch schemes across the City and the licensing Authority expects operators to attend and support their local scheme **where one has been created to share information and discuss issues around individuals committing criminal / antisocial behaviour within and around gambling premises.**

(x) Local Risk Assessment - Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The Council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation;

- whether the premises is in an area subject to high levels of crime and/or disorder;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- significant presence of young children, both residents and visitors;
- high unemployment area;
- nearby homeless hostels;
- nearby gambling, alcohol, drug or mental health support facility;
- the area has a high number of rough sleepers/homeless people;
- the area has a specific ethnic population;
- pawn broker/pay day loan businesses in the vicinity;
- other gambling premises in the vicinity.

Information around these groups will be available in the Local Area Profile (LAP)

In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by, etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will

be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Risk Assessments must be kept on the individual premises and made available for inspection when requested by an authorised officer.

(xi) Local Area Profile - Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council will publish a local area profile.

Once available the local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- notices and signage displayed externally stating access to the premises is restricted to persons 18 years of age and over;
- notices displayed internally stating use of gaming machines is restricted to persons 18 years of age and over;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;

- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.
- Measures/training for staff on how to deal with suspected school truant children on the premises.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

4. Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

The Licensing Authority is aware that where a licensing authority is able to grant a casino premises licence (regional, large or small), there may be a number of operators who wish to apply for that licence. Should the Licensing Authority be in such a position it will comply with Schedule 9 of the Act and any relevant regulation / codes of practice.

Licence considerations/conditions – This licensing authority will attach conditions to casino premises licences bearing in mind the mandatory conditions and the Licence Conditions and Codes of Practice published by the Gambling Commission.

An applicant for a premises licence must comply with the Act regarding the permitted access or exclusion of children and young persons. With the exception of non-gambling areas of regional casinos no children or young persons must be permitted access into the casino or the close observation of, or the invitation to participate in any gambling activities.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machine areas;
- physical separation of gambling areas;
- self-exclusion schemes;
- clear notices and signage externally and internally regarding age restrictions and age restricted areas (where applicable);
- participation in the Council's 'pupil watch scheme' (where children are permitted entry);
- members of staff appropriately trained;
- notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

The Licensing Authority may also consider it appropriate to require members of the public entering casino premises to continue to produce proof of ID on entry in order to effectively support self-exclusion schemes, and to act as a deterrent for persons who may be considering targeting the premises for illegal/criminal activities.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the

number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

Gambling Commission Guidance is that Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- physical separation of gambling areas where category C or above gaming machines are made available for use;
- supervision of age restricted areas of the premises;
- self-exclusion schemes;
- clear notices and signage externally and internally regarding age restrictions and restricted areas;
- members of staff appropriately trained;
- a notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- policy and procedures regarding the employment of young persons (aged 16 and 17 where applicable);
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

It is important that if children and young persons are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

Where category C or above machines are made available in premises to which

children and young persons are admitted the premises licence holder must ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff employed by the operator or premises licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years old.

The Licensing Authority will take into account any further guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

6. Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

An applicant for a premises licence must comply with the Act regarding the exclusion of children and young persons.

No children or young persons (under 18 years old) will be able to enter premises with a betting premises licence, although special rules apply to tracks.

The Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a Casino premises licence (where betting is permitted in the Casino).

If gaming machines are to be utilised, there must also be sufficient facilities for betting on the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- self-exclusion schemes;

- clear notices and signage externally regarding age restriction;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

7. Tracks

Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. The Licensing Authority recognises that betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalisator" or "tote"), and also general betting, often known as "fixed-odds" betting.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

This licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will, therefore, expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machines;
- physical security measures on the premises;
- physical separation of areas for category C and above gaming machines;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;

- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Vessels and Vehicles

The Licensing Authority is aware that a premises licence may be granted in respect of a passenger vessel. The definition of a vessel is:

- anything (other than a seaplane or amphibious vehicle), designed or adapted for use on water;
- a hovercraft; or
- anything, or part of any place, situated on or in water (structures which are an extension of the land are not vessels, even if they arch over water).

Vehicles (trains, road vehicles, aircraft, seaplanes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and, therefore, all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- self-exclusion schemes;
- clear notices and signage externally regarding age restriction;
- members of staff appropriately trained;
- notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory or exhaustive list and is merely indicative of example measures.

9. Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs

occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that they:

- expect to be constructed;
- expect to be altered; or
- expect to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan

submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

11. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

A review hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee (as appropriate) and the review will be determined once the representations have been considered and the licence holder has been given the opportunity to respond.

The onus will be on the responsible authority/interested party initiating the review to provide evidence in support of the matters for concern.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

(a) add, remove or amend a licence condition imposed by the licensing authority;
(b) exclude a default condition imposed by the Secretary of State (e.g. opening

hours) or remove or amend such an exclusion;

(c) suspend the premises licence for a period not exceeding three months; and

(d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder,
- the applicant for review (if any),
- the Commission,
- any person who made representations,
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

DRAFT

PART D

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. Permits

The Policy of the Licensing Authority in respect of permits for unlicensed family entertainment centres, club gaming, club machine and gaming machine on alcohol licensed premises is to:

- promote the licensing objectives;
- treat each application individually on its own merits;
- comply with the statutory requirements;
- ensure compliance with the guidance issued by the Gambling Commission;
- promote and ensure high standards at all venues.

The Licensing Authority when considering an application for a permit will consult closely with the Chief of Police and Child Protection, Performance And Partnership, Birmingham Children's Trust.

2. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use; it should also be noted that only Category D gaming machines are allowed in UFEC's.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. Gambling Commission Guidance is that licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits – i.e. licensing authorities will want to give weight to child protection issues.

Guidance is also that an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application

Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in

Schedule 7 of the Act); and

- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Licensing Authority, when considering a permit application for an unlicensed family entertainment centre, may request further information from an applicant regarding any matters of concern, which may include:

- the suitability of the applicant;
- the suitability of members of staff;
- the location of the premises;
- evidence that a premises will only operate as an unlicensed family entertainment centre;
- the applicant will be required to demonstrate they have a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed Family Entertainment Centre;
- confirmation of intended opening hours;
- ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
- ensuring a premises maintains acceptable levels of security at all times during opening hours;
- CCTV provisions at the premises and surveillance of the premises;
- evidence that members of staff are appropriately trained and a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed Family Entertainment Centre;
- participation in the Council's 'pupil watch scheme' in connection with suspected truant school children on the premises;
- evidence of policy and procedures in respect of unsupervised very young children on the premises, or children causing perceived problems on/or around the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare;
- any other factors that are within the control of the permit holder or designated management.

The Licensing Authority will give significant weight to all issues relating to the protection of children and young persons. If no relevant representations are received then the permit will be issued automatically

The Licensing Authority will not refuse an application for a permit unless it has notified the applicant of its intentions to refuse the application and of its reasons and given the applicant an opportunity to make representations.

3. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1)) Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

To take advantage of this entitlement the person who holds the on-premises licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed level of fee.

Permit: For 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant*."

This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

This licensing authority has delegated authority to officers to grant a permit for up to four gaming machines (category C or D) to be made available for use in alcohol-

licensed premises under this Act.

A person who holds the “on-premises” alcohol licence may apply to the Licensing Authority for a permit specifying any number of category C or D machines but when considering the application the Licensing Authority will have regard to the licensing objectives, and may also take into account any matters that are considered relevant to the application. These may include:

- the appropriate siting of gaming machines in areas where children are not normally permitted;
- the size of the premises;
- the supervision of gaming machines at all times when the premises is open;
- notices by each gaming machine specifying no person under 18 years old are permitted to use the gaming machine;
- age verification checks;
- ensuring members of staff are appropriately trained;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

The Licensing Authority can grant or refuse an application. In granting the application the Licensing Authority can also vary the number and category of gaming machines authorised by the permit.

If the Licensing Authority intends to refuse or vary an application the applicant will be notified prior to the refusal or variation in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority will specify the form and manner in which an application must be made, and will specify the information and supporting documents required, these may include:

- plans of the proposed building;
- insurance certificates; and
- any other documents deemed necessary or appropriate.

The Licensing Authority will comply with any guidance produced by the Gambling Commission, and when considering a permit application may request further information from an applicant regarding any matters of concern, which may include:

- the suitability of the applicant;
- the location of the premises;
- confirmation of intended opening hours;
- confirmation of the types of gaming to be offered;
- the applicant will be required to demonstrate they have a full understanding of the limits to stakes and prizes that are set out in Regulations;
- the applicant will be required to demonstrate the gaming offered is within the law;
- ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
- ensuring a premises maintains acceptable levels of security at all times during opening hours;
- CCTV provisions at the premises and surveillance of the premises;
- evidence that members of staff are appropriately trained;
- a willingness to participate in the Council's 'pupil watch scheme' in connection with suspected truant school children on the premises;
- any other factors that are within the control of the permit holder or designated management.

The Licensing Authority will give significant weight to all issues relating to the protection of children and young persons.

The Licensing Authority may grant a permit only if they have consulted the Chief of Police about the application.

Where relevant representations are received from the Chief of Police and the Licensing Authority intends to refuse an application based on the objections the applicant will be notified prior to the refusal in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- participation in the gaming must not entitle the player to take part in any other gambling.

5. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as prescribed in regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance is that Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Licensing Authority, when considering a club gaming and club machine permit application, may require the applicant to provide evidence that the club fulfils the requirements for a members' club, or miners' welfare institute or commercial club (Commercial clubs cannot provide gaming and games of chance).

Licensing authorities may only refuse an application on the grounds that:

(a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and, therefore, is not entitled to receive the type of permit for which it has applied;
(b) the applicant's premises are used wholly or mainly by children and/or young persons;
(c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
(d) a permit held by the applicant has been cancelled in the previous ten years; or
(e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit under the process are:

(a) that the club is established primarily for gaming, other than gaming prescribed

under schedule 12;

(b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

(c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

6. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" is contained in Part 8 of the Act. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

In referring to a set of premises, the Act provides that a set of premises is the subject of a Temporary Use Notice if ‘any part’ of the premises is the subject of a Notice. This prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

A Temporary Use Notice must be submitted to the Licensing Authority not less than 3 months and one day before the first day on which the gambling event will begin.

In addition a copy of the notice must also be served on:

- the Gambling Commission,
- the Chief Officer of Police,
- the Commissioners of Customs and Excise,
- any other licensing authority in whose area the premises are situated.

(See appendix 2 for relevant addresses.)

The same premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

Should the Licensing Authority or the other bodies served with copies of the temporary use notice consider that the gambling should not take place, or only with modifications, they will issue a notice of objection within 14 days of the date of the temporary use notice.

Where relevant representations are made, a hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee to consider representations.

The Licensing Authority will determine the notice after considering supporting evidence from the server of the notice and any objectors who have made representations.

If the Licensing Authority considers that a temporary use notice should not have effect a counter-notice will be issued which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activity to take place subject to a specified condition

7. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

In considering an occasional use notice the Licensing Authority will consider the definition of a 'track' and whether the server of the notice is permitted to avail themselves of the notice.

Betting on a track will be permitted by an occasional use notice providing it is for 8 days or less in a calendar year. The calendar year will commence on the 1st January.

The notice must be served by a person who is responsible for the administration of events on the track, or by an occupier of the track.

A notice must be served on the Licensing Authority and copied to the Chief of Police.

The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall limit of 8 days is not exceeded in a calendar year.

The Licensing Authority will maintain a record of the number of notices served in a calendar year to ensure the limit of 8 days is not exceeded.

Providing that a notice will not result in betting facilities being available for more than 8 days in a calendar year, no counter notices or objection can be submitted.

No gaming machines may be provided by virtue of an occasional use notice.

8. Registration of Small Society Lotteries

All applications for registration must be made in the form specified by the Secretary of State, and accompanied by any supporting documents specified by the Secretary of State or required by the Licensing Authority.

The Licensing Authority, when considering an application for registration, may request any additional information it deems appropriate. This may include a declaration from the governing body of the society stating:

- the application is on behalf of a bona fide non-commercial society;
- that all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- the purpose of the Society and; the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have the authority to sign and complete the required financial returns.
- where a society intends to employ an external lottery manager evidence that person holds an operators licence issued by the Gambling Commission.

If the Licensing Authority is intending to refuse an application to join the register the applicant will be notified in writing of the reasons why it is considering refusal, and the evidence on which it has based that preliminary conclusion. The applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters.

Further guidance about the processes and procedures under the Gambling Act 2005 can be obtained from the Licensing Service
e-mail: licensing@birmingham.gov.uk
website: www.birmingham.gov.uk/licensing

APPENDIX 1

DELEGATION OF FUNCTIONS REGARDING THE GAMBLING ACT 2005

Subject	Full Council	Licensing & Public Protection Committee	Licensing Sub-Committees	Officers
Three year licensing policy	X			
Policy to permit casino	X			
Fee setting (when appropriate)		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Gambling Commission	Where no representations received or representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Review of a premises licence			X	
Application for a club/gaming club machine permits			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Cancellation of club gaming/club machine permits			X	
Application for other permits			Where an application is received to operate more than 4 gaming machines on an alcohol licensed premises	Where an application is received to operate 4 or less gaming machines on an alcohol licensed premises
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

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Decision to attach/exclude a premises licence condition			X	
To administer and carry out all other functions not specifically mentioned in the delegation to the Licensing & Public Protection Committee, which are capable of being delegated to an officer as provided in the Gambling Act 2005 and any regulations made under that Act, together with any related functions				X

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APPENDIX 2

RESPONSIBLE AUTHORITIES – CONTACT ADDRESSES
ALL TO BE VERIFIED AND UPDATED WHERE NECESSARY

Birmingham City Council General Licensing Regulation & Enforcement P.O. Box 17831 BIRMINGHAM B2 2HJ licensing@birmingham.gov.uk	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP Tel: 0121 230 6500 licensing@gamblingcommission.gov.uk
Birmingham City Council Environmental Health Pollution Team P.O. Box 16977 BIRMINGHAM B2 2AE pollution.team@birmingham.gov.uk	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom Tel: 0300 322 7072 option 7 nrubetting&gaming@hmrc.gsi.gov.uk
Birmingham Licensing Department West Midlands Police Lloyd House 2 Colmore Circus Queensway BIRMINGHAM B4 6AT bw_licensing@west-midlands.pnn.police.uk	West Midlands Fire Service Headquarters 99 Vauxhall Road BIRMINGHAM B7 4HW firesafety.admin@wmfs.net
Birmingham City Council Planning Control Division P.O. Box 28 1 Lancaster Circus Queensway BIRMINGHAM B1 1TU PlanningandRegenerationEnquiries@birmingham.gov.uk	Safeguarding Children & Licensing Birmingham Children's Trust 1 Lancaster Circus Ground Floor, Zone 02 PO Box 16895 BIRMINGHAM B2 2LD licensing@birminghamchildrenstrust.co.uk
In respect of a vessel	
Environment Agency Midlands Regional Office 550 Streetsbrook Road SOLIHULL B91 1QU Tel: 0870 850 6506	Canal & River Trust Peel's Wharf Lichfield Street Fazeley TAMWORTH B78 3QZ Tel: 01827 252000

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Birmingham City Council

City Council

1 February 2022

Subject:	**APPOINTEMENT OF EXTERNAL AUDITIOR FROM 2023/24**
Report of:	**Director of Council Management**
Report author:	**Sara Pitt, Director of Finance**

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :

1 Executive Summary

1.1 This report sets out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24

1.2 The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Council opted into the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.

1.3 PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023/24 to 2027/28. All local government bodies need to make important decisions about their external audit arrangements from 2023/24. Councils have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.

1.4 The report concludes that the sector-wide procurement conducted by PSAA will produce better outcomes for the Council than a procurement undertaken locally.

2 Motion

2.1 That the Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

3 Background

3.1 Under the Local Government Audit & Accountability Act 2014 ("the Act"), the Council is required to appoint an auditor to audit its accounts for each financial year. The Council has three options;

- To appoint its own auditor, which requires it to follow the procedure set out in the Act.
- To act jointly with other authorities to procure an auditor following the procedures in the Act.
- To opt into the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).

3.2 In order to opt into the national scheme, a council must make a decision at a meeting of the Full Council.

The Appointed Auditor

3.3 The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and Best Value assessment of the council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.

3.4 The auditor must act independently of the Council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.

3.5 The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) employ authorised Key Audit Partners to oversee the work. As the report below sets out there is a currently a shortage of registered firms and Key Audit Partners.

3.6 Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.

3.7 Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

Pressures in the current local audit market and delays in issuing opinions

3.8 Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few

changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.

3.9 During 2018 a series of financial crises and failures in the private sector led to questioning the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman's review of the Financial Reporting Council (FRC), the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.

3.10 The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.

3.11 This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.

3.12 None of these problems is unique to local government audit. Similar challenges have occurred in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.

3.13 The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office)[1], the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether

[1] MHCLG's Spring statement proposes that overarching responsibility for Code will in due course transfer to the system leader, namely ARGA, the new regulator being established to replace the FRC.

an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.

3.14 There are currently nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

4 Options considered and Recommended Proposal

Appoint own external auditor

4.1 The Council may elect to appoint its own external auditor under the Act, which would require the council to;

- Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.
- Manage the contract for its duration, overseen by the Auditor Panel.

4.2 This option has the advantage of some Council involvement in the procurement. It does entail cost in terms of time and money to administer the procurement and there is no assurance a better tender response will be received as this option does not have the advantage of economies of scale.

Appoint jointly with other councils

4.3 The Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

4.4 This option has the advantage of some Council involvement in the procurement although it is diluted with other partners. It does entail cost in terms of time and money to administer the procurement and there is no assurance a better tender

response will be received as this option does not have the advantage of economies of scale than the PSAA route

4.5 The Council has sought the views of West Midlands Councils as well as Core Cities councils. Nearly all are intending to opt-into the PSAA sector-led option, and this would not be a realistic option.

Join the national auditor appointment scheme

4.6 PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

4.7 In summary the national opt-in scheme provides the following:

- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
- appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
- ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
- minimising the scheme management costs and returning any surpluses to scheme members;
- consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;
- consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and
- ongoing contract and performance management of the contracts once these have been let.

4.7 Although the Council will have no direct involvement in the procurement of an external auditor the PSAA will seek the Council's views on any preferences.

5 Risk Management

5.1 The principal risks are that the Council:

- fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; or
- does not achieve value for money in the appointment process.

5.2 These risks are considered best mitigated by opting into the sector-led approach through PSAA.

6 Legal implications

6.1 Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.

6.2 Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant Council is a local Council operating executive arrangement, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.

6.3 Section 12 makes provision for the failure to appoint a local auditor. The Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.

6.4 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a sector-led body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.

7 Financial Implications

7.1 The duty to specify scales of fees is one of PSAA's statutory functions as the appointing person. Before setting a scale of fees, it is required to consult with opted-in authorities, relevant representative associations of local authorities and relevant bodies of accountants. The PSAA also consults other key stakeholders to ensure that the consultation is genuine and as productive as possible. Following consultation, the scale of fees is published on the website.

7.2 The scale fees for individual opted-in authorities are normally based on the scale fee for the previous year, in theory reflecting the auditor's assessment of audit risk and complexity. The PSAA would only expect variations from the scale fee to occur where these factors are significantly different from those identified and

reflected in the original fee. During the current tender period the audit fees have increased by some 50% for all Councils as a result of the increased audit requirements explained above.

7.3 There is a likelihood that current external audit fee levels could increase when the current contracts end. The reasons for this higher cost of audit include:

- **Limited auditor resource**. This has come about because many of the former Audit Commission staff have now exited the audit sector. The firms are now having to invest in their own internal training programmes for a very limited public sector audit market.
- **Higher audit standards.** This is due to audit shortcomings that have been identified following the collapse of high-profile companies, the audit testing regime has been enhanced to help ensure greater reliance on audit conclusions.
- **Introduction of new auditing and accounting standards**, requiring additional audit work in a variety of areas, such as accounting estimates and leases.
- **Introduction of the new Code of Practice**, covering a wider scope on Value for Money and reporting, increasing the volume of work required by experienced staff.
- **Increased risk profile and complexity of local authorities**. For example, entering new transactions, investments, and new models of delivery, increasing the time input of senior and experienced staff.

7.2 It is clear that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.

7.3 Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large-scale collective procurement arrangement.

7.4 If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees from 2023/24.

8 Appendices

8.1 None

Birmingham City Council

City Council

1 February 2022

Subject: Motions for Debate from Individual Members

Does the report contain confidential or exempt information? ☐ Yes ☒ No If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

To consider the following Motions of which notice has been given in accordance with Council Procedure Rules (section B4 G of the Constitution).

A. Councillors Robert Alden and Matt Bennett have given notice of the following Notice of Motion:-

"This Council calls for a Festival of Birmingham on 14th January each year to celebrate our shared heritage and history."

B. Councillors Morriam Jan and Baber Baz have given notice of the following Notice of Motion:-

"This Council has no confidence in the Administration's management of waste management services including refuse collection, street cleaning and recycling."