

# **BIRMINGHAM CITY COUNCIL**

## **ANNUAL MEETING OF THE CITY COUNCIL**

**TUESDAY, 25 MAY 2021 AT 16:00 HOURS**  
**IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

### **A G E N D A**

1 **NOTICE OF RECORDING**

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) 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.

3 **MINUTES**

**1 - 158**

To confirm and authorise the signing of the Minutes of the meeting of the Council held on 13 April 2021.

4 **ANNUAL REPORT OF THE LORD MAYOR 2019/2021**

**159 - 180**

To receive the Annual Report of the Lord Mayor.

5 **ANNOUNCEMENT OF LORD MAYOR'S AWARDS**

Lord Mayor to announce his awards.

6 **ELECTION OF THE LORD MAYOR 2021/22**

To elect the Lord Mayor.

NB. A short break will follow to allow for the robing of the Lord Mayor.

7 **APPOINTMENT OF THE DEPUTY LORD MAYOR**

To appoint the Deputy Lord Mayor.

8 **PRESENTATION TO THE RETIRING LORD MAYOR**

To present the retiring Lord Mayor with an ex-Lord Mayoral Badge.

9 **PRESENTATION TO THE RETIRING LADY MAYORESS**

To present the retiring Lady Mayoress with a badge as a memento of office.

NB. A short break will follow.

10 **ALLOWANCES**

To agree the allowances to be made to the Lord Mayor and the Deputy Lord Mayor in office during 2021/2022.

11 **DATES OF MEETINGS**

To determine the dates of the meetings of the Council to be held during the year ending with the next Annual Meeting of the Council.

It is suggested that meetings of the Council be held at 1400 hours on the following Tuesdays:-

**2021**

22 June  
13 July or 20 July  
14 September  
2 November  
7 December

**2022**

11 January  
1 February  
22 February  
15 March

12 **ANNUAL MEETING IN 2022**

To confirm the date for the holding of the Annual Meeting of the Council in 2022.

It is recommended that the Annual Meeting for 2022 to be held in the Lyttleton Theatre BMI at 1600 hours on Tuesday 24 May 2022.

13 **ELECTION OF COUNCILLORS**

**181 - 182**

To receive a report from the Returning Officer of the persons elected Councillors of the City on 6 May 2021 and the making of the declarations of acceptance of office.

14 **LORD MAYOR'S ANNOUNCEMENTS**

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

15 **PETITIONS**

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.

16 **LEADER'S ANNOUNCEMENT OF CABINET MEMBERS**

**183 - 424**

17 **ANNUAL REVIEW OF THE CONSTITUTION 2021**

To consider a report of the Council Business Management Committee.

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

"1 That Council agrees the proposed amendments set out in Appendix 1, and in the tracked change version of the Constitution (Appendix 2), and that the City Solicitor be authorised to implement the changes with effect from 25th May 2021.

2 That Council authorises the City Solicitor to make in-year changes to the Constitution to reflect variations in the senior officer structure, in line with decisions made by the Council Business Management (Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions Sub-) Committee – JNC Core Panel."

**425 - 438**

18 **CITY COUNCIL APPOINTMENTS**

To consider a report of the Council Business Management Committee.

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

"That the City Council makes appointments to Committees and Other Bodies as set out in the Appendix to the report."





**MEETING OF BIRMINGHAM  
CITY COUNCIL  
13 APRIL 2021**

**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD  
ON TUESDAY, 13 APRIL 2021 AT 1400 HOURS AS AN ON-LINE  
MEETING**

**PRESENT:-** Lord Mayor (Councillor Mohammed Azim) in the Chair to and including agenda item No. 6.  
Deputy Lord Mayor (Councillor Yvonne Mosquito) in the Chair from agenda item 7 onwards.

**Councillors**

Muhammad Afzal	Peter Griffiths	Ewan Mackey
Akhlaq Ahmed	Fred Grindrod	Majid Mahmood
Mohammed Aikhlaq	Paulette Hamilton	Zhor Malik
Alex Aitken	Roger Harmer	Karen McCarthy
Safia Akhtar	Kath Hartley	Saddak Miah
Deirdre Alden	Adam Higgs	Gareth Moore
Robert Alden	Charlotte Hodiola	Simon Morrall
Tahir Ali	Penny Holbrook	John O'Shea
Gurdial Singh Atwal	Jon Hunt	David Pears
David Barrie	Mahmood Hussain	Robert Pocock
Baber Baz	Shabrana Hussain	Julien Pritchard
Bob Beauchamp	Timothy Huxtable	Hendrina Quinnen
Kate Booth	Mohammed Idrees	Chauhdry Rashid
Sir Albert Bore	Zafar Iqbal	Carl Rice
Nicky Brennan	Ziaul Islam	Gary Sambrook
Marje Bridle	Morriam Jan	Shafique Shah
Mick Brown	Kerry Jenkins	Mike Sharpe
Tristan Chatfield	Meirion Jenkins	Sybil Spence
Zaker Choudhry	Julie Johnson	Ron Storer
Debbie Clancy	Brigid Jones	Martin Straker Welds
Liz Clements	Josh Jones	Sharon Thompson
Maureen Cornish	Nagina Kauser	Paul Tilsley
John Cotton	Mariam Khan	Lisa Trickett
Phil Davis	Zaheer Khan	Ian Ward
Diane Donaldson	Narinder Kaur Kooner	Mike Ward
Barbara Dring	Chaman Lal	Suzanne Webb
Neil Eustace	Mike Leddy	Ken Wood
Peter Fowler	Bruce Lines	Alex Yip
Jayne Francis	Mary Locke	Waseem Zaffar
Eddie Freeman		

**NOTICE OF RECORDING**

19458 The Lord Mayor indicated that he was very pleased to be joining Members today, but, advised that as today was the first day of Ramadan, he would not be staying for the whole meeting, and would hand over to the Deputy Lord Mayor after Question Time.

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.

The Lord Mayor highlighted that the meeting was being held in the pre-election period in relation to the by-elections combined with the Police & Crime Commissioner and West Midlands Combined Authority elections, which would take place on the 6 May 2021. During this pre-election period the Council cannot undertake any activity which could call into question political impartiality or could give rise to the criticism that public resources (which includes Council Meetings) are being used for political purposes and/or seeking to influence voters. Therefore, the Lord Mayor asked Councillors to refrain from saying anything which could be perceived to influence the voting intentions of members of the public during the course of the meeting. Members will be interrupted and ask to stop if they are found to be breaching pre-election rules.

The Lord Mayor requested that Members ensure that their video cameras are switched off unless called to speak and that their microphone is switched off when they are not speaking.

The Lord Mayor advised Members that If they wished to speak, to indicate by using the Raise your Hand button and wait to be invited to speak and to state their name at the start of every contribution.

The Lord Mayor requested Members not to use the chat function unless they were having technical difficulties.

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**DECLARATIONS OF INTEREST**

19459 The Lord Mayor reminded Members that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

Any declarations would be recorded in the minutes of the meeting.

Councillor Mary Locke declared a non pecuniary interest as a Birmingham City Council appointed nominee on the Birmingham Midland Institute.

Councillor Peter Fowler declared a non pecuniary interest as a Birmingham City Council appointed nominee on the Birmingham Midland Institute.

Councillor Robert Pocock declared a non pecuniary interest as a Birmingham City Council appointed nominee on the Birmingham Midland Institute.

Councillor Mike Ward declared a non pecuniary interest as a Birmingham City Council appointed nominee on the Birmingham Midland Institute.

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## **MINUTES**

It was moved by the Lord Mayor, seconded and –

19460 **RESOLVED:-**

That the Minutes of the meeting held on 23 February 2021 having been circulated to each Member of the Council, be taken as read and confirmed and signed.

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## **LORD MAYOR'S ANNOUNCEMENTS**

### **Death of The Prince Philip, Duke of Edinburgh**

The Lord Mayor indicated that it was with a heavy heart that he had received news last week of the death of His Royal Highness, The Prince Philip, Duke of Edinburgh, who passed away peacefully at Windsor Castle on Friday morning. Prince Philip was an extraordinary man, who lived an extraordinary life; with achievements too numerous to mention here. He gave his life to service, giving up his much-loved Naval career, when literally overnight, and for 65 years to follow, it became his life to support his wife, The Queen.

The Lord Mayor observed that the legacy of his life, including to name just two; the founding of the Duke of Edinburgh youth awards programme in 1956 and his pioneering work promoting environmental causes, would ensure that Prince Philip's extraordinary service to the Nation, and to the Commonwealth would never be forgotten.

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

19461 **RESOLVED:-**

That this Council places on record its great sorrow at the death of His Royal Highness, The Prince Philip, Duke of Edinburgh and its appreciation of his devoted service to the United Kingdom and the Commonwealth. The Council extends its deepest sympathy to Her Majesty Queen Elizabeth II and members of The Royal Family in their sad bereavement.

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

**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 -

19462 **RESOLVED:-**

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

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**Petitions Update**

The following Petitions Update had been made available electronically:-

(See document No. 2)

It was moved by the Lord Mayor, seconded and -

19463 **RESOLVED:-**

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

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**QUESTION TIME**

19464 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.

At this point the Lord Mayor withdraw from the meeting.

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At this point in the meeting the Deputy Lord Mayor assumed the chair.

**ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL  
2019/20**

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



(See document No 3)

The Leader, Councillor Ian Ward moved the Motion, which was seconded.

A debate ensued

The Leader, Councillor Ian Ward replied to the debate.

The Motion having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

**For the Motion (66)**

Muhammad Afzal	Eddie Freeman	Mary Locke
Akhlaq Ahmed	Fred Grindrod	Karen McCarthy
Mohammed Aikhlaq	Paulette Hamilton	Saddak Miah
Deirdre Alden	Roger Harmer	Majid Mahmood
Gurdial Singh Atwal	Kath Hartley	Gareth Moore
David Barrie	Penny Holbrook	John O'Shea
Baber Baz	Jon Hunt	David Pears
Bob Beauchamp	Mahmood Hussain	Robert Pocock
Kate Booth	Shabrana Hussain	Hendrina Quinnen
Sir Albert Bore	Mohammed Idrees	Chauhdry Rashid
Nicky Brennan	Zafar Iqbal	Carl Rice
Mick Brown	Morriam Jan	Shafique Shah
Tristan Chatfield	Kerry Jenkins	Mike Sharpe
Zaker Choudhry	Meirion Jenkins	Sybil Spence
Debbie Clancy	Julie Johnson	Martin Straker Welds
Liz Clements	Brigid Jones	Sharon Thompson
Maureen Cornish	Nagina Kauser	Paul Tilsley
John Cotton	Mariam Khan	Lisa Trickett
Diane Donaldson	Zaheer Khan	Ian Ward
Barbara Dring	Narinder Kaur Kooner	Mike Ward
Peter Fowler	Chaman Lal	Ken Wood
Jayne Francis	Mike Leddy	Waseem Zaffar

**Against the motion (3)**

Julien Pritchard	Ron Storer	Simon Morrall
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**Abstentions (5)**

Tahir Ali	Peter Griffiths	Ziaul Islam
Adam Higgs	Charlotte Hodivala	

It was therefore-

19465

**RESOLVED:-**

The recommendations made by the Independent Remuneration Panel on Page 5 of its Annual Report be accepted and implemented with effect from 25 May 2021.

After the result of vote was announced by the Deputy Lord Mayor in accordance with above recorded votes, the following was advised:-

Councillor Bridle was not shown as voting for the motion  
Councillor Zhor Malik was not shown as voting for the motion  
Councillor Safia Akhtar was not shown as voting for the motion  
Councillor Alex Aitken was not shown as voting for the motion  
Councillor Ziaul Islam had abstained in error instead of voting for the motion

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### **SCRUTINY BUSINESS REPORT**

The following report of the Co-ordinating Overview and Scrutiny Committee was submitted:-

(See document No 4)

Councillor Carl Rice moved the recommendation. Councillor Liz Clements was due to second the report but was having technical issues so at on the suggestion of Councillor Rice, Councillor Ewan Mackey seconded the recommendation. Councillor Liz Clements re-joined the meeting and spoke in support of the recommendation

A debate ensued

Councillor Carl Rice replied to the debate.

The recommendation having been moved and seconded was agreed.

It was therefore-

19466 **RESOLVED:-**

That Full Council endorses the Scrutiny Framework set out in Appendix 1.

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### **ADJOURNMENT**

It was moved by the Deputy Lord Mayor, seconded and

19467 **RESOLVED:-**

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

The Council then adjourned at 1645 hours.

At 1700 hours the Council resumed at the point where the meeting had been adjourned.

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**SCRUTINY INQUIRY: INFANT MORTALITY**

The following report of the Health and Social Care Overview and Scrutiny Committee together with an Executive commentary was submitted:-

(See document No 5)

Councillor Robert Pocock moved the motion, which was seconded by Councillor Peter Fowler.

A debate ensued.

Councillor Robert Pocock replied to the debate.

The Motion having been moved and seconded was agreed.

It was therefore-

19468

**RESOLVED:-**

That recommendations R01 to R05 be approved, and that the Executive be requested to pursue their implementation.

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**APPOINTMENT OF INTERIM CHIEF EXECUTIVE**

The following report of the Council Business Management Committee (Chief Officers and Deputy Chief Officers Appointments, Dismissals and Service Conditions Sub-Committee) was submitted:-

(See document No 6)

It was noted that the meeting would not need to go into private.

The Leader, Councillor Ian Ward in moving the motion indicated that in 2.1.2 of the Motion 'three months' should read 'six months' so that that part of the Motion read 'Notes that the period of notice on either side will be six months'. The Motion as amended was seconded.

A debate ensued

The Leader, Councillor Ian Ward indicated he did not wish to reply to the debate.

The Motion as amended having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

**For the Motion (78)**

Muhammad Afzal	Peter Fowler	Bruce Lines
Akhlaq Ahmed	Jayne Francis	Mary Locke
Mohammed Aikhlaq	Eddie Freeman	Ewan Mackey
Alex Aitken	Fred Grindrod	Zhor Malik
Safia Akhtar	Paulette Hamilton	Karen McCarthy
Deirdre Alden	Kath Hartley	Saddak Miah
Robert Alden	Adam Higgs	Gareth Moore
Tahir Ali	Charlotte Hodivala	Simon Morrall
Gurdial Singh Atwal	Penny Holbrook	John O'Shea
David Barrie	Jon Hunt	David Pears
Baber Baz	Mahmood Hussain	Robert Pocock
Bob Beauchamp	Shabrana Hussain	Julien Pritchard
Kate Booth	Mohammed Idrees	Hendrina Quinnen
Sir Albert Bore	Zafar Iqbal	Carl Rice
Nicky Brennan	Ziaul Islam	Gary Sambrook
Marje Bridle	Morriam Jan	Shafique Shah
Mick Brown	Kerry Jenkins	Mike Sharpe
Tristan Chatfield	Julie Johnson	Sybil Spence
Zaker Choudhry	Brigid Jones	Ron Storer
Debbie Clancy	Josh Jones	Martin Straker Welds
Liz Clements	Nagina Kauser	Paul Tilsley
Maureen Cornish	Mariam Khan	Lisa Trickett
John Cotton	Zaheer Khan	Ian Ward
Phil Davis	Narinder Kaur Kooner	Mike Ward
Diane Donaldson	Chaman Lal	Ken Wood
Barbara Dring	Mike Leddy	Waseem Zaffar

**Against the motion (0)**

**Abstentions (0)**

It was therefore-

19469

**RESOLVED:-**

That the City Council as required by Part C7.4 of the Constitution:

1. Approves the appointment of Deborah Cadman as Interim Chief Executive and Head of Paid Service for a fixed term period of 18 months initially; and
2. Notes that the period of notice on either side will be six months; and
3. Approves that until commencement, Graeme Betts will act as Acting Chief Executive.

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The Deputy Lord Mayor was of the opinion that the following matter could be considered as a matter of urgency in view of need to expedite consideration thereof and instruct officers if necessary:-

**URGENT BUSINESS - THE BIRMINGHAM & MIDLAND INSTITUTE -  
DISPOSITION OF 93-95 CORNWALL STREET**

The following report of the Leader was submitted:-

(See document No 7)

The Leader, Councillor Ian Ward moved the motion, which was seconded.

A debate ensued

The Leader, Councillor Ian Ward indicated he did not wish to reply to the debate.

The Motion having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

**For the Motion (76)**

Muhammad Afzal	Fred Grindrod	Ewan Mackey
Akhlaq Ahmed	Paulette Hamilton	Majid Mahmood
Mohammed Aikhlaq	Roger Harmer	Zhor Malik
Alex Aitken	Kath Hartley	Karen McCarthy
Safia Akhtar	Adam Higgs	Saddak Miah
Deirdre Alden	Penny Holbrook	Gareth Moore
Tahir Ali	Jon Hunt	Simon Morrall
Gurdial Singh Atwal	Mahmood Hussain	John O'Shea
David Barrie	Shabrina Hussain	David Pears
Baber Baz	Mohammed Idrees	Robert Pocock
Bob Beauchamp	Zafar Iqbal	Julien Pritchard
Kate Booth	Ziaul Islam	Hendrina Quinnen
Sir Albert Bore	Morriam Jan	Carl Rice
Marje Bridle	Kerry Jenkins	Gary Sambrook
Mick Brown	Meirion Jenkins	Shafique Shah
Tristan Chatfield	Julie Johnson	Mike Sharpe
Zaker Choudhry	Brigid Jones	Sybil Spence
Debbie Clancy	Josh Jones	Ron Storer
Liz Clements	Nagina Kauser	Martin Straker Welds
Maureen Cornish	Mariam Khan	Paul Tilsley
John Cotton	Zaheer Khan	Lisa Trickett
Diane Donaldson	Narinder Kaur Kooner	Ian Ward
Barbara Dring	Chaman Lal	Mike Ward
Jayne Francis	Bruce Lines	Ken Wood
Eddie Freeman	Mary Locke	Waseem Zaffar
Peter Griffiths		

**Against the motion (0)**

**Abstentions (2)**

Robert Alden	Charlotte Hodivala	
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It was therefore-

19470

**RESOLVED:-**

- 1 That the consent of the Council to the disposal of 93-95 Cornwall Street be confirmed and that the restriction on the title be removed.
- 2 that the City Solicitor be authorised to negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations."

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The meeting ended at 1810 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 MIKE WARD**

#### **A1      Economic Recovery Post Covid 19**

#### **Question:**

**Cabinet, at its meeting on 16 March 2021, approved the Covid 19 Economic Recovery with support previously been given to the arts and culture sector during the pandemic. Could the Leader give details of what is proposed in these sectors and how the new strategy will adapt for implementation by the this sector?**

#### **Answer:**

At the meeting on 9 February 2021 Cabinet agreed to continue with £2.429m revenue funding towards supporting the current funded portfolio of arts organisations in 2021-22. In addition, a further budget of £0.487m is available to commission cultural projects from small scale / independent arts organisations across Birmingham that meet Council Priorities. This budget also includes funding to support the city's Local Arts Forum Network, Local Arts initiatives in communities and, to deliver annual events such as Black History Month and the annual Heritage Week.

The Culture budget has also supported Birmingham's cultural membership organisation (Culture Central) with a small grant and staff resource to assist in delivering support for the city's cultural sector under its 'Culture Response Unit' initiative. This has included delivering key information to the sector via a dedicated website as well as organising on-line advice and guidance webinars and seminars to independent creatives and freelancers.

Despite closure of all the city's heritage premises, the Council has committed the full annual service contract fee to Birmingham Museums Trust (BMT) in 2020-21 and 2021-22 to support the Trust through the Pandemic. In addition, the council facilitated an additional £0.204m in Supplier Relief Funding to BMT in 2020-21 with possible further applications to be assessed in 2021-22.

In the meantime, The Museums Trust and several other cultural organisations across the city have been successful in applying to the council for Business Rates Relief.

In 2020-21 the council allocated some funding from the Major Events Budget to support the Van Gogh Exhibition at The Hippodrome Theatre in Southside – designed to support reopening of city centre spaces / attract visitor traffic. It is hoped that other funding streams such as the Government's recently announced 'Welcome Back Fund' would be able to support similar initiatives going forward in 2021-22.

Finally, the Council has appointed a new Tourism Officer who starts on 12<sup>th</sup> April. This post will lead on the development and implementation of a Visitor Destination Plan for Birmingham which will align with the existing regional Tourism Strategy. One of the main components of the plan will be focusing on attracting visitors to the city's cultural offer and to maximise opportunities presented by the hosting of the forthcoming Commonwealth Games.



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

**A2     Staff – Regeneration**

**Question:**

**Broken down by grade, how many staff worked in the Regeneration Department in March 2012?**

**Answer:**

The breakdown of employees in the Development Planning & Regeneration Service in 2012 is as follows:-

<b>Grade</b>	<b>Number of Employees</b>
GR1	1
GR2	13
GR3	58
GR4	93
GR5	63
GR6	31
GR7	8
LO1	2
LO3	1
LO6	1

Total number of employees is 271.

LO1, LO3 and LO6 are JNC Officers.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM  
COUNCILLOR MATT BENNETT**

**A3     Staff – Regeneration 2**

**Question:**

**Broken down by grade, how many staff worked in the Regeneration Department in March 2021?**

**Answer:-**

There is no longer a specific regeneration division within Inclusive Growth.

If Councillor Bennett can provide more detail on the outcome he is hoping to achieve, I will ask officers to provide the appropriate information.

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

**A4     Electric Vehicles 1**

**Question:**

**How many electric vehicles did the Council have in the 1920's?**

**Answer:**

This is unknown. Fleet Management do not have records that go back to the 1920s.

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

**A5     Electric Vehicles 2**

**Question:**

**How many electric vehicles does the Council have as of 31<sup>st</sup> March 2021?**

**Answer:**

The Council leases 13 electric small vans.

Birmingham City council is committed to reducing emissions and although electric vehicles will play a part, we are undertaking many initiatives to reduce CO2.

These include our new fleet of 76 cleaner and greener waste and recycling vehicles, our ongoing commitment to hydrogen buses, our commitment to cycling and our support of electric scooters across the city.

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

**A6     Former Mayor Joe Anderson**

**Question:**

**Has the Council ever had any financial or other deals, agreements or work with former Liverpool Mayor Joe Anderson or members of his family?**

**Answer:**

Our records show that no transactions have been concluded with the named individual or members his family.

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

**A7     Dealings**

**Question:**

**Has the Council ever had any dealings with either Flanagan Group or Safety Support Consultants Limited? If so, please provide details including any financial or land transactions.**

**Answer:**

Our records show that no dealings have been concluded with the named companies. Therefore, there have been no financial payments made to Flanagan Group or Safety Support Consultants Limited in any of the 6 years for which records are retained.

The Council received a highways bond from the Flanagan Group in connection with Woodcock Street relating to scaffolding adjacent to the highway.

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

**A8     Pieces of Land**

**Question:**

**How many pieces of land has Birmingham City Council sold for below its estimated value in last ten years?**

**Answer:**

One site has been identified as being sold within the last ten years at below estimated value. Secretary of State consent was granted for this transaction.

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

**A9     Investigations**

**Question:**

**Has any officer or elected Member as yet, been involved in anyway with any of the investigations into Liverpool City Council,/Unite/Flanagan Group etc. or about the development they are doing in Birmingham. In the case of positive answer, also please provide details of the involvement and the names of those involved, e.g. dates interviewed as part of this)?**

**Answer:**

The current Chief Finance Officer and s151 officer is a prosecution witness



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

**A10     Sale of Land**

**Question:**

**As part of their ongoing investigations, have MHCLG and/or Merseyside Police/West Midlands Police been made aware of the sale of land by BCC – on seemingly preferential terms and with no public declarations – to Unite for their new hotel and conference centre being built with involvement from Flanagan Group?**

**Answer:**

Legal have no records to indicate that any communications have taken place with MHCLG, Merseyside Police or West Midlands Police.

For the avoidance of any doubt, it should be noted that the sale of the land to Unite was not on preferential terms. GBR Phoenix Beard had independently assessed value for money for the site as being £1.2 million and the Council received sale proceeds of £1.95m.

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

**A11     Call In**

**Question:**

**Why did yourself and other Members of the Labour Administration including the now MP for Birmingham Yardley, vote on the call in regarding the Unite/Flanagan Development given you declared you had interests (admittedly in private not public as required)?**

**Answer:**

I did **not** vote on the request for call in at the Governance, Resources and Customer Services Overview and Scrutiny Committee on 4<sup>th</sup> April 2014, relating to a decision at Cabinet on 17 March 2014 regarding the Proposed Development at Jennens Road, Eastside, Birmingham.

Non pecuniary interests were declared on the advice of the then monitoring officer.

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

**A12    Unite Development**

**Question:**

**How much did the Council receive for the site sold to Unite?**

**Answer:**

The Council received sale proceeds of £1.95m for the site sold to Unite. GBR Phoenix Beard had independently assessed value for money for the site as being £1.2 million.

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

**A13     Assets Sold**

**Question:**

**List all sites, including the value of the sale. The value actually received and the value the Council had for the asset on its books, of any asset sold to a Trade Union since 2012?**

**Answer:**

The only site identified as being sold to a Trade Union since 2012 was 5,270 sqm at Jennens Road, Eastside, Birmingham.

The site was sold to Unite in 2015 for sale proceeds of £1.95m and at the time of disposal was held at a value, in existing use, of £0.92m.

GBR Phoenix Beard had independently assessed value for money for the site as being £1.2 million.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM  
COUNCILLOR BABER BAZ**

**A14     Social Services Funding**

**Question:**

**Would the Leader give clear assurances he is willing to ringfence funding for Social Services following the latest council tax precept for social care?**

**Answer:**

This year like other recent years we will receive funding for Adults and Children's social care in the form of additional government social care grant (ring-fenced for both Adults and Children's social care) and from raising 3% additional precept on our local taxpayers. The precept being ringfenced for Adult Social Care only.

I can assure Councillor Baz that we fully comply with the ringfencing rules around the Social Care Grant and the Social Care Precept. It is a legal requirement.

The Council's grant and precept is £24.1m for 2021/22. The additional budget provided for in Social Care in 2021/22 as approved as part of our Financial Plan 2021 – 2025 is £29m for Adult Social Care and £9.8m for Children's Social Care. Therefore, the additional funding provided in Social Care as part of our 2021/22 budget is in excess of that required to comply with ring-fencing rules.

Table 3.6 in Chapter 3 of our Financial Plan sets out our costs and resources in more details.

**WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR  
ROGER HARMER**

**AA     Additional Restrictions Grant**

**Question:**

**Councils have recently been given the flexibility to determine their own eligibility criteria for Additional Restrictions Grants with this funding used to help those businesses which, while not legally forced to close, have been severely impacted by Covid 19 restrictions. Could the cabinet member give details of the local criteria that has been determined for these awards and confirm how many businesses have successfully been awarded this payment and how many have been refused?**

**Answer:**

We have carefully designed the eligibility criteria for all grant schemes funded through Additional Restrictions Grant (ARG) funding to ensure that we can support the maximum number of businesses with the money available while also ensuring that grants go where they are most needed.

To date, ARG funding has been used to support 7,458 businesses with grant funding of £25,214,321 paid out according to the criteria below. 1,150 applications have not met eligibility criteria for schemes, and have therefore been declined.

**Additional Restrictions Grant Scheme 1**

This scheme operated between 25<sup>th</sup> November 2020 and 15<sup>th</sup> January 2021, according to the following eligibility criteria and payment schedule.

**ARG 1 eligibility criteria**

- Businesses with a trading address/premises which fall within the Birmingham City Council area
- Businesses employing less than 249 employees
- Existing businesses which were actively trading before 4 November 2020
- Businesses that may not be in the business rates system and are also not in one of the specific business sectors identified within the LRSC (Closed) and (Open) schemes, but have been severely impacted by the local restrictions
- Businesses which can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis and do not qualify for the LRSC (Closed) and (Open) schemes.
- All business sectors

**ARG 1 payment schedule**

The following grant payments were made if a business was open, but severely impacted due to government restrictions:

- Grants of up to £934 per 28-day period for businesses occupying hereditaments with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions.
- Grants of up to £1,400 per 28-day period for businesses occupying hereditaments with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the local restrictions.
- Grants of up to £2,100 per 28-day period for businesses occupying hereditaments with a rateable value of exactly £51,000 or above on the date of the commencement of the local restrictions.

For those businesses where the Council were unable to attribute a rateable value to their trading premises of a business, a grant at the lower rate of £934 was awarded.

The following grant payments were made if a business was closed due to government restrictions:

- Grants of up to £1,334 per 28-day period for businesses occupying hereditaments with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions.
- Grants of up to £2,000 per 28-day period for businesses occupying hereditaments with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the local restrictions.
- Grants of up to £3,000 per 28-day period for businesses occupying hereditaments with a rateable value of exactly £51,000 or above on the date of the commencement of the local restrictions.

For those businesses where the Council was unable to attribute a rateable value to the trading premises of a business, a grant at the lower rate of £1,334 was awarded.

**Additional Restrictions Grant Scheme 2**

This scheme was launched on 15<sup>th</sup> February 2021 and **is now closed for** applications.

ARG 2 is a one-off grant payment which means only one grant will be awarded per eligible company and not for each of the company's individual business premises. For self-employed/sole traders, only one Additional Restriction Grant will be awarded.

The following one-off grant payments will be made if a business is open, but severely impacted due to government restrictions:

- A grant of £3,000 for businesses occupying hereditaments with a rateable value of exactly £15,000 or under
- A grant of £5,000 for businesses occupying hereditaments with a rateable value between £15,000 and £51,000
- A grant of £10,000 for businesses occupying hereditaments with a rateable value of over £51,000

For businesses where the Council are unable to attribute a rateable value to the trading premises of a business, a grant at the lower rate of £3,000 will be awarded.

### **Hospitality Survival Fund**

This scheme, which is now closed, provided one-off grants of £10,000 to hospitality and leisure businesses in Birmingham that did not automatically qualify for previous support schemes due to their size.

In order to be eligible for this scheme, businesses had to meet the following criteria:

- In the hospitality and leisure sector
- Rateable value of over £51,000

421 potentially eligible businesses were identified through business rates records, with businesses being contacted directly by the Council and asked to confirm their details. The scheme was announced on 11<sup>th</sup> January 2021, with all businesses contacted and requested to provide information by 22<sup>nd</sup> January 2021.

Following a validation exercise, 288 businesses have now been paid this one-off grant.

### **Taxi Sector Grant Scheme**

This scheme is aimed at supporting Birmingham's hackney carriage and private hire taxi drivers who have been significantly impacted as a result of national government lockdown restrictions.

The scheme went live on 15<sup>th</sup> February 2021, and is still open for applications.

One-off grants of £1000 to drivers are awarded who meet the following eligibility criteria:

- Resident within Birmingham
- Hold a license registered with Birmingham City Council
- Have been significantly impacted by government restrictions

To date 3,300 drivers have now been paid this one-off £1k grant.



**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING COUNCILLOR ADRIAN DELANEY**

**B1     DPS**

**Question:**

**At Cabinet on 16<sup>th</sup> March 2021, you stated that the DPS Contract had to be changed to add in the safeguarding elements, please provide a full list of changes made and the dates they came into effect?**

**Answer:**

The Deed of Variation to the Terms and Conditions for P0504 Provision of Home to School Transport was issued on 17 December 2020 and all providers had returned a signed copy by mid January 2021.

A summary of the changes made are as follows:

- Introduction of a DBS Panel – where a provider employee has a positive mark on their DBS, the provider must complete an application with supporting evidence which is submitted to the Council, detailing why they feel the provider employee is suitable to work on the provision of home to school transport. An additional schedule and several forms have been created to assist this process which provides a detailed overview of the process.
- Standard Licence – All licences used on the provision of home to school transport should be a standard licence in accordance with Part II and Sections 12 – 14 of the Public Passenger Vehicles Act 1981.
- Introduction of a DBS Practitioner – a named person within the organisation who has appropriate training, skills and knowledge of DBS Policies and Procedures to make decisions relating to DBS.
- Introduction of three new policies – the providers are required to have a policy on safer recruitment, recruitment of ex-offenders and handling disclosure information.
- Compliance with the Rehabilitation of Offenders Act 1974 – The providers shall comply with Rehabilitation of Offenders Act 1974 when making recruitment decisions.
- Consent to share – obtain provider employees consent to share disclosure information with Council.
- Introduction of the DBS Update Service – providers are required to use the DBS Update Service to undertake checks.

- Performance of services – Where a provider employee has a positive DBS the employee must not engage in any part of the services until a decision has been reached at the DBS Panel. Where a provider employee does not provide consent for disclosure information to be shared with the Council, the provider employee shall not be engaged in any part of the services.
- Associated costs – all costs associated with changes made shall be borne by the provider.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR KEN WOOD**

**B2      Recruitment Process**

**Question:**

**Please explain the recruitment process step by step for new staff in Home to School transport?**

**Answer:**

Currently, agency staff are used to cover vacant posts whilst a service restructure within Travel Assist is being undertaken. Once the restructure is complete, the City Council's Recruitment and Selection procedure will be used to fill any vacant posts.

For any new positions a business case is completed in line with the Corporate framework. These are presented to the Directorate Workforce Review Board, which monitors all workforce spend. The business case is considered by the board and either approved or rejected.

If the service needs to fill an existing position quickly in order to meet business needs, it would approach Hays, the council's Managed Service Provider, as follows:

- Obtain agreement to use agency from the Education and Skills Workforce Review Board, as set out above.
- Travel Assist contact Hays in line with the agency requisition process
- Candidates are identified and interviewed by Hays
- A further interview takes place with BCC transport supervisors to assess suitability for the role

For successful workers where required, Hays completes the recruitment process with the candidate including undertaking an enhanced DBS. Until the DBS is completed and returned as "clear", the candidate is not able to commence in the role with the City Council.

- Any 'positive' disclosures are presented to the council's Safer Recruitment Panel for consideration
- Successful agency workers are required to undertake a City Council induction programme to familiarise themselves with the organisation. As part of this induction, workers are asked to complete the City Council's 10 mandatory training modules. Completion is monitored until all the modules have been completed.

Workers supplied by Hays are regularly monitored as part of 1-to-1 meetings to assess their ongoing suitability for the role. Any performance issues are managed by the City Council. Unsuitable workers are returned to the agency as they are the employer.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR CHARLOTTE HODIVALA**

**B3     Data Breach**

**Question:**

**What was the total number of children who had their data exposed in the recent serious data breach with details of families who qualify for free school bus passes?**

**Answer:**

The data file saved to the individual parent accounts for parents who are on the temporary accommodation list did not contain child data, only the lead tenant data for the property.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR DEIRDRE ALDEN**

**B4     Accessible Data**

**Question:**

**For how long was the data that was mistakenly placed on the website accessible to other people, how long before it was removed? Please note we mean the total time it was exposed for, not how it was removed once discovered?**

**Answer:**

CXM bus pass portal was created in June 2020. Staff within Travel Assist started to save this data onto CXM in January 2021 (for office use), not aware that this data was visible via individuals BRUM accounts. In total the data was saved in 143 individual files.

In order to access the data individuals had to log onto their BRUM account using log in details and passwords. This information was not available to the wider public, it was only accessible via link pages within the 143 accounts.

These link pages were all removed individually once the source of the data breach had been identified and confirmed on Friday 19 February 2021. An additional report was run to ensure that there were no files with the data attached following this exercise.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR EWAN MACKEY**

**B5     Individual Assessment**

**Question:**

**What individual assessment was made of any specific risk factors for each child on the list of exposed data before deciding not to inform them or their families their data had been breached? Eg children escaping domestic abuse.**

**Answer:**

The individuals identified were the lead tenant only. There wasn't any detail regarding children.

This information was about those in temporary accommodation applying for a bus pass for their child(ren) and was only accessible by those other people in temporary accommodation who were also asking for a bus pass for their child(ren).

In respect of informing the data subjects, it was agreed by the council's corporate information governance team that there was limited evidence of any adverse impact upon the rights and freedoms of the data subjects as a result of the breach. Additionally, as the individuals are already in a vulnerable position, notification of the breach is likely to add to their vulnerability, therefore, it was concluded that notification to the data subjects would not take place.

A discussion with the Information Commissioner's Office also took place.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR ADAM HIGGS**

**B6     Assessment**

**Question:**

**With what degree of certainty are you able to say that no one who was not entitled to view this information saw it in anyway before it was removed (not just physically downloaded, but also viewed on screen, photographed or screenshot etc)**

**Answer:**

The information was held in a folder attached to the bus pass outcome for office use. The case was raised by a parent who was able to access the information and informed the Council as soon as they noticed this. The parent was asked to delete the evidence immediately which they agreed to do. This has not been raised by anyone else previously and whilst we can never be 100% certain it has not been viewed, it is likely any other affected citizens would have raised concerns with the Council had they have viewed it.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR PETER FOWLER**

**B7      SEND Service**

**Question:**

You kindly responded to Question B2 on 23rd February but failed to provide details of the supplier of the SEND service you paid for. This failure cannot be justified as in Question A5 & A6 the Council clearly provided the details of the Company/Supplier as well as where they are based.

In line with this, can you as a matter of urgency update the table in Question B2, 23rd February 2021, with cumulative costs to end of March 2021 as well as clear supplier information as follows. Please add the following to the table in B2 (please do not delete any of the columns or rows but add to the same table. This will make it quicker and easier for you as well as provide us with the information we are seeking):

- Name of Company/Sole Trader
- Total spend up to March 2021
- Company/Sole Trader registered in Birmingham

**Answer:**

The attached table has been updated with the cumulative costs to the end of March 2021. Please note that not all of the agencies had provided the invoices for March 2021 at the time this response was drafted.

The table that is used to track and monitor this spend has had a sort applied to it since the February 23<sup>rd</sup> response and as such the new attached table may be slightly out of order to the one previously provided but all the information has been checked to ensure it is the same.

An extra column has been added providing the name of the agency that supplied the interim/consultant but due to the size restrictions of this please see below a list of those agencies, the total spend and if they are registered in Birmingham:

Agency	Spend	Confirmed Address
Baltimore	£745,240	PS21, 21 Princes Street, Bristol, BS1 4PH
Education Futures	£48,322	19 New Street, Horsforth, Leeds, LS18 4BH



**City Council – 13 April 2021**

Agency	Spend	Confirmed Address
Hays	£135,815	1 Colmore Square, Birmingham, B4 6AJ
Lords	£570,650	Crown House, The Square, Alvechurch, Birmingham B48 7LA
Panoramic	£1,368,785	St Bartholomew's House, Lewins Mead, Bristol, BS1 2NH
Penna	£0	2 <sup>nd</sup> Floor, 10 Bishops Square, Spitalfields, London, E1 6EG
Smart Education	£95,333	1-3 The Courtyard, Calvin Street, Bolton, BL1 8PB
Spencer Clarke	£136,675	11 Bartle Court Business Centre, Rosemary Lane, Preston, PR4 0HF
Venn Group	£35,126	Waterloo House, 20 Waterloo Street, Birmingham, B2 5TB

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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).
Guide transformation lead	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Education Futures	27/01/2020		31/08/2020	No	£48,847	<ul style="list-style-type: none"> <li>• Business case to support the reduction of Agency Guides</li> <li>• 1st Draft Business Case in relation to SEND Transport Application process</li> </ul>	<ul style="list-style-type: none"> <li>• Contribution to the service Saving Strategy and improved gatekeeping and application of policy conditions relating to transport eligibility</li> </ul>
Interim Annual Review Officer / Plan Writers	SENAR Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020		11/02/2021	No	£35,160	<ul style="list-style-type: none"> <li>* Reviewing and actioning 9,197 outstanding annual review paperwork</li> <li>* Reviewing and actioning newly received review paperwork</li> </ul>	<ul style="list-style-type: none"> <li>• 5,271 outstanding reviews closed with all action completed</li> <li>• 2,873 outstanding reviews actioned and awaiting issue by Business Support</li> <li>• Reduction in the backlog of assessments from 500 to 200</li> </ul>
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	09/03/2020		22/05/2020	No	£8,775		
Interim Annual Review Officer / Plan Writers	SENAR Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020	27/08/2021		Yes	£37,260		
Interim Annual Review Officer / Plan Writers	SENAR Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020	27/08/2021		Yes	£40,780		

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Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020		31/05/2020	No	£10,660		
Interim Annual Review Officer / Plan Writers	SENAR Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020		31/07/2020	No	£13,910		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	09/03/2020		31/05/2020	No	£11,700		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	09/03/2020		31/05/2020	No	£7,410		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	09/03/2020		31/05/2020	No	£12,480		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020		31/05/2020	No	£12,350		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	19/03/2020		31/05/2020	No	£12,220		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	09/03/2020		31/05/2020	No	£18,280		

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Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020		31/05/2020	No	£14,040		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	11/03/2020		31/05/2020	No	£12,740		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020		31/10/2020	No	£17,420		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	09/03/2020		31/05/2020	No	£11,700		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	09/03/2020		31/05/2020	No	£12,220		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Baltimore	04/10/2020	27/08/2021		Yes	£74,669		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	17/03/2020		31/05/2020	No	£14,040		
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	03/03/2020	27/08/2021		Yes	£23,165		

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Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	12/03/2020	27/08/2021		Yes	£24,870	<ul style="list-style-type: none"> <li>* Communication strategy</li> <li>* Communication plan</li> <li>* Communication material including newsletters for schools and parents, and briefings</li> <li>• Proposed Safeguarding and PATS training program to be delivered to 480 guides in the new year.</li> <li>• Driver and Guide handbook to be issues to all guides and then drivers.</li> </ul>	<ul style="list-style-type: none"> <li>* Improved communication and engagement with PCF</li> <li>As per Compliance Manager and Senior Compliance Officer</li> </ul>
Interim Annual Review Officer / Plan Writers	Senar Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	16/03/2020		31/05/2020	No	£16,562		
Interim Communication Officer	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not Applicable	01/03/2020		30/11/2020	No	£19,075		
Interim Communication officer	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	30/12/2019		12/02/2020	No	£1,313		
Interim Compliance Officer	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	26/10/2020	31/10/2021		Yes	£28,333		
Interim Compliance Officer	Home To School Transport	Assistant Director SEND & Inclusion		Panoramic	28/10/2020		20/11/2020	No	£5,400		
Interim Compliance Officer	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	01/12/2020	31/10/2021		Yes	£23,723		

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Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Compliance Officer	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	06/10/2020	31/10/2021		Yes	£30,034	<ul style="list-style-type: none"> <li>• Daily compliance reports</li> <li>• Supplier check reports</li> <li>• Investigation findings for safeguarding complaints</li> </ul>	
Interim Compliance Performance Officer	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	23/09/2020	31/10/2021		Yes	£52,425	<p>Generate information from the Compliance team and Assessment officer to develop and produce accurate information that can provide an overview of the service performance and suppliers, identify trends and areas of improvement. Provide additional support to the Compliance team to carry out site visits and depot audits as required.</p>	<ul style="list-style-type: none"> <li>• Directors and Heads of service are now understanding the performance of suppliers and identify social, mechanical or performance trends at source and in the coming weeks/ months note an increase in service delivery</li> </ul>
Interim Contracts & Compliance Manager	Home To School Transport	Head of Service - Home to School Transport	Workforce Review Board	Penna	19/04/2021	31/10/2021		Yes	£0.00		

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Data Officer	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	18/03/2020	27/08/2021	18/09/2020	No	£45,560	* EHCP requests tracker and associated reports * EHCP review recovery project database and associated reports * Tracker for new EHCP reviews * Tracker for complaints * Tracker for mediations and appeals	<ul style="list-style-type: none"> <li>• Improved workflow management</li> <li>*Automated monitoring reports for managers</li> </ul>
Interim Data Officer	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	18/03/2020		18/12/2020	No	£63,700		
Interim Early Years SEND Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Venn group	01/09/2020		01/09/2021	No	£22,500	* Review of early years service	* Recommendations to improve early years service
Interim Educational Psychologist	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	06/07/2020		18/09/2020	No	£29,910	* Tracker of children awaiting a special school place	<ul style="list-style-type: none"> <li>• Consolidated view of children awaiting special school place so placements could be managed</li> </ul>
Interim Finance Project Support Officer	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not Applicable	01/11/2019		30/09/2020	No	£21,900	* Review formula funding for specialist provision	<ul style="list-style-type: none"> <li>• Established mechanisms for financial reporting for specialist provision</li> <li>• New criteria and allocation of top up funding for mainstream</li> </ul>
Interim Head of SEND	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Workforce Review Board	Penna	01/03/2021	29/04/2021		Yes	£0.00		

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Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	28/02/2021	27/08/2021		Yes	£0.00	* Responding to contact from parents and schools via email and telephone * Support families through the needs assessment process * Signposting families to relevant support	• Increasing support to families (24 new referrals in Jan 20 > 205 in Dec 20) New satisfaction survey launched in Dec 20 recorded a positive rating of 4.78 / 5
Interim Link Officers	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	07/09/2020	27/08/2021		Yes	£12,700		
Interim Link Officers	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	24/07/2020	27/08/2021		Yes	£13,685		
Interim Link Officers	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	28/02/2021	27/08/2021		Yes	£0.00		
Interim Link Officers	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	02/12/2021	27/08/2021		Yes	£7,643		
Interim Link Officers	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	05/03/2021	27/08/2021		Yes	£0.00		
Interim Link Officers	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	13/03/2020		17/02/2021	No	£19,315		
Interim Link Officers	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	04/03/2020		27/11/2020	No	£15,180		



## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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	Link Service	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Smart Education	09/03/2020	27/08/2021		Yes	£26,810		
Interim Ops Manager (Transport)	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	24/08/2020	31/10/2021		Yes	£62,204	<ul style="list-style-type: none"> <li>• Telephone systems – Cirrus</li> <li>• Email system – Cirrus Omni</li> <li>• Bus Pass report</li> <li>• Invoice reports</li> <li>• Staff 1-to-1</li> <li>• Complaints</li> <li>• Restructure operations service</li> <li>• Performance Improvement - guides</li> </ul>	<ul style="list-style-type: none"> <li>• Identify current telephone system failings resulting in Cirrus implementation. Daily / weekly reports regarding the Cirrus phone system. Calls answered / abandoned. Time taken to answer calls / calls being abandoned in compliance with the BCC KPI's of 90% answered – 10% abandoned. Ensuring the team meet these KPI's</li> <li>• Bus Passes- Identifying hidden issues within the service; identifying the weakness in the service and ensuring new staff are training in the processing of these bus passes.</li> </ul>

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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).
											<p>Identifying improvements with the system to avoid the volume of future applications given the 80% rejection rate.</p> <p>Invoice reports – ensuring the overdue invoices are processed in a timely manner considering value and age of invoices and finding solutions to improve service</p> <p>Redesign of the variation form to provide transparency with the variation form process submitted by contractors asking for price increase/decrease</p>
Interim Performance Lead	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	11/06/2020		31/03/2021	No	£72,202	<p>* HST dashboard</p> <p>* HST immediate fixes plan</p> <p>* HST weekly sit rep</p>	<ul style="list-style-type: none"> <li>• Visibility of data</li> <li>• Improved data reliability</li> </ul>

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Performance Lead	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	11/03/2020		12/06/2020	No	£36,500	report * HST contract performance reporting schedule * SEND dashboard * SEND Weekly sit rep report  * Reviewing and actioning 9,197 outstanding annual review paperwork * Reviewing and actioning newly received review paperwork * Managing placements	• 5,271 outstanding reviews closed with all action completed • 2,873 outstanding reviews actioned and awaiting issue by Business Support • Reduction in the backlog of assessments from 500 to 200
Interim Performance Lead	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	17/02/2020		13/03/2020	No	£13,600		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Venn group	25/01/2021	27/08/2021		Yes	£0.00		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021		28/02/2021	No	£4,200		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	28/02/2021	27/08/2021		Yes	£1,200		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021	27/08/2021		Yes	£0.00		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021		03/02/2021	No	£3,450		
Interim PO / SEND Case worker	SENAR Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	01/03/2021	27/08/2021		Yes	£21,000		

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## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021	27/08/2021		Yes	£7,200		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021		31/03/2021	No	£8,700		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021	27/08/2021		Yes	£16,500		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Hays	11/01/2021	27/08/2021		Yes	£0.00		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	25/01/2021	27/08/2021		Yes	£0.00		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Education Futures	11/01/2021	27/08/2021		Yes	£17,700		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Spencer Clarke	NA		05/02/2021	No	£21,600		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Spencer Clarke	02/01/2021	27/08/2021		Yes	£30,600		

### City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Education Futures	11/01/2021		26/02/2021	No	£0.00		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Spencer Clarke	Not recorded		31/03/2021	No	£31,800		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021		31/03/2021	No	£16,200		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/02/2021	27/08/2021		Yes	£10,500		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021	27/08/2021		Yes	£14,925		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	01/03/2021	27/08/2021		Yes	£4,200		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021	27/08/2021		Yes	£9,600		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Venn group	07/12/2020		12/03/2021	No	£5,400		

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Venn group	25/01/2021	27/08/2021		Yes	£0.00		
Interim PO / SEND Case worker	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021	27/08/2021		Yes	£21,300		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	Not recorded		30/10/2020	No	£28,250		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Hays	13/07/2020		20/10/2020	No	£63,817		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	30/09/2020	27/08/2021		Yes	£21,280		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	31/08/2020		18/12/2020	No	£40,360		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	30/10/2020		28/02/2021	No	£21,300		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	04/10/2020	27/08/2021		Yes	£40,350		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	20/04/2020		13/11/2020	No	£55,650		

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Panoramic	26/05/2020		31/08/2020	No	£4,200		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	02/10/2020	27/08/2021		Yes	£15,900		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	31/01/2020		31/07/2020	No	£24,054		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	04/10/2020	27/08/2021		Yes	£39,850		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	30/09/2020		12/11/2020	No	£24,300		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	04/10/2020		30/10/2020	No	£48,030		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	17/08/2020	27/08/2021		Yes	£26,025		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	30/10/2020		28/02/2021	No	£26,100		

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	30/10/2020	27/08/2021		Yes	£39,370		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Panoramic	01/04/2020	27/08/2021		Yes	£56,100		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	02/10/2020	27/08/2021		Yes	£44,475		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Hays	29/04/2020	27/08/2021		Yes	£13,873		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	Not recorded		Not recorded	No	£25,674		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Hays	13/07/2020		26/02/2021	No	£42,900		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	02/10/2020		18/12/2020	No	£20,475		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	31/01/2020		31/07/2020	No	£3,726		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	13/07/2020		22/08/2020	No	£9,920.00		

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## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Lord	02/01/2021	27/08/2021		Yes	£23,850		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	02/10/2020		28/02/2021	No	£44,633		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	01/03/2021	27/08/2021		Yes	£62,688		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	31/01/2020		31/07/2020	No	£66,969		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	04/10/2020	27/08/2021		Yes	£42,900		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	Not recorded		Not recorded	No	£47,291		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	30/10/2020		31/03/2021	No	£6,000		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	30/10/2020		28/02/2021	No	£20,700		
Interim PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	31/01/2020		31/07/2020	No	£44,903		

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Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 PO / SEND Case workers	Senar - Case Work	Head of SENAR	Head of SENAR	Not recorded	31/01/2020		31/07/2020	No	£72,127		
Interim PO / SEND Case workers	Senar - Case Work	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	04/05/2020		31/08/2020	No	£21,000.00		
Interim Post 16 SEND Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	Not recorded		18/12/2020	No	£22,840		
Interim Programme mgr	Transformation & Project Support	Assistant Director SEND & Inclusion		Lord	21/01/2020		01/04/2021	No	£79,905	* Developing & managing local provision project plan and associated governance	* DLP project launched
Interim Project Lead - Local Offer Website	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Education Futures	20/08/2020		31/10/2020	No	£21,038	Local offer website	<ul style="list-style-type: none"> <li>• New local offer website launched in Jan 2021</li> <li>• Online booking system in final stages of development to be launched in the spring</li> </ul>
Interim Project Manager	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	13/07/2020	30/06/2021		Yes	£64,250	* Developing & managing local provision project plan and associated governance	* DLP project launched
Interim Project Manager - 365	Home To School Transport	Head of Service - Home to School Transport	Workforce Review Board	Hays	06/04/2021	31/10/2021		Yes	£0.00	* Developing & managing local provision project plan and associated governance	* DLP project launched

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## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Project Support Officer	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	11/03/2020	31/03/2021		Yes	£79,560	<ul style="list-style-type: none"> <li>* School Planning meeting documentation</li> <li>* Local offer website upload</li> <li>* Weekly report and liaison with special schools</li> <li>* Consolidation report</li> </ul>	<ul style="list-style-type: none"> <li>• Local offer website launched in Jan 2021</li> <li>• Improved communication with special school transport leads</li> <li>• Input to Home to school transport improvement programme</li> </ul>
Interim Project Support Officer	Transformation & Project Support	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Hays	01/04/2020	27/08/2021		Yes	£15,224		

**City Council – 13 April 2021**

Interim Safeguarding & Compliance SEND Transport Manager	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	21/07/2020		27/02/2021	No	£49,716	<ul style="list-style-type: none"> <li>* Weekly &amp; monthly performance reports</li> <li>* Safeguarding process for complaints</li> <li>* data analysis from supplier returns (monthly)</li> </ul>	<ul style="list-style-type: none"> <li>• Robust compliance team who apply safeguarding checks at schools and supplier premises to ensure vehicles and staff are compliant.</li> <li>• Vehicle inspections carried out to ensure vehicles transporting clients are fully roadworthy and feedback given to supplier they additional checks to ensure compliance.</li> <li>• Supplier performance has improved as a result of the checks and visits made to schools and suppliers, once concerns are identified and improvement plans are agreed.</li> <li>• Depot Audits at supplier premises to ensure policies are being applied throughout the operation against their contract.</li> <li>• Regular supplier meetings to ensure</li> </ul>
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											<p>performance issues are identified and actioned.</p> <ul style="list-style-type: none"> <li>• Safeguarding tracker to capture safeguarding complaints ensure escalated to LADO and managed appropriately in a timely way.</li> <li>• Supplier monthly reporting processes are accurate and identify DBS applications so they are processed as quickly as possible to ensure supplier has sufficient staff to delivery service.</li> <li>• Improved communication and feed back to suppliers is carried out in a timely was to ensure failings identified are rectified.</li> </ul>
Interim Safeguarding & QA Lead	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	18/11/2019		06/03/2020	No	£25,200	<p>* initial safeguarding audit of suppliers</p> <p>* DPS</p>	<ul style="list-style-type: none"> <li>• Contracts confirmed with suppliers</li> <li>• Baseline safeguarding reports</li> </ul>

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 SEMH Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Workforce Review Board	Penna	08/03/2021	08/09/2021		Yes	£0.00	* Review of SENAR administration services * Draft review recovery project	<ul style="list-style-type: none"> <li>5,271 outstanding reviews closed with all action completed</li> <li>2,873 outstanding reviews actioned and awaiting issue by Business Support</li> </ul>
Interim SEMH Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Workforce Review Board	Penna	01/03/2021	01/09/2021		Yes	£0.00		
Interim SEN Coordinator - EHCP Reviews	SENAR Recovery - Annual Review	Assistant Director SEND & Inclusion	SEND Improvement Programme	Panoramic	05/03/2020		28/02/2021	No	£21,000		
Interim SEND Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not Applicable	22/11/2019		14/01/2020	No	£4,463		
Interim SEND Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not Applicable	Not Applicable	Not Applicable		Yes	£0.00		
Interim SEND Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Education Futures	26/02/2020		26/02/2020	No	£0.00		
Interim SEND Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Education Futures	Feb-20		Feb-20	No	£9,585		
Interim SEND Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not recorded	Nov-19		Dec-19	No	£11,310		

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 SEND Transformation Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Panoramic	10/03/2020		25/09/2020	No	£30,575	<ul style="list-style-type: none"> <li>* DfE bid for COVID funding</li> <li>* Deed variation for supply of guides</li> <li>* Deed variation for alteration of DBS process</li> <li>* Communication &amp; Implementation plan</li> <li>* Org chart for restructure</li> <li>* Summer operations plan</li> <li>* Draft revised risk assessment process</li> <li>* Contribution to immediate fixes plan, weekly and daily sit rep, monthly covid plan, service dashboard and revised implementation plan</li> </ul> <ul style="list-style-type: none"> <li>• The service has had improved leadership and structure in order to achieve a number of significant improvement key tasks. This development has worked in partnership with the recommendations outlined in the Service Investigation Report.</li> <li>• The service is now able to ensure early identification of operational concern and introduce strategies in order to improve performance and administration across the service as a whole</li> </ul>	
Interim SEND Transport manager	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	20/07/2020		17/01/2021	No	£13,000		
Interim SEND Transport Officer	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	09/11/2020	31/10/2021		Yes	£40,455		

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## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Senior Compliance Officer	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	17/09/2020	31/10/2021		Yes	£42,738	<ul style="list-style-type: none"> <li>• Supplier performance figures on a daily and weekly basis</li> <li>• Carry out record and report on Supplier Audit.</li> <li>• Daily engagement with suppliers to address any issues identified within compliance checks.</li> <li>• Recognize training needs for drivers and suppliers relating to compliance</li> </ul>	<ul style="list-style-type: none"> <li>• Robust and engaging compliance team in place.</li> <li>• Robust procedures implemented to improve supplier /driver compliance</li> <li>• Implemented a revised parking plan at 2 schools to date (Calthorpe &amp; Dame Ellen Pinsent)</li> <li>• Allocate work to the compliance team to ensure work is completed and prioritised.</li> <li>• Advise suppliers on compliance matters i.e. procedures and technique to improve performance.</li> <li>• Improved communication with suppliers, schools and internal teams to ensure concerns are addressed and</li> </ul>



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Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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).
											<p>recorded in a timely way</p> <ul style="list-style-type: none"> <li>• Support other service areas to address any safeguarding /compliance issues and resolve in a timely way.</li> </ul>
Interim Special School Provision Lead	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Spencer Clarke	07/12/2020		24/02/2021	No	£8,750		

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Transport Manager Operations, Commissioning & Contracts	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	01/06/2020		01/04/2021	No	£92,240	<ul style="list-style-type: none"> <li>Detailed system requirements for the Home to school transport database</li> <li>Procurement Business case for the purchase of the new system (365 Response chosen)</li> <li>Implementation Plan for 365</li> <li>Communications Plan for the implementation of 365</li> <li>Mobile Phones for Guides requirements document</li> <li>CXM Bus Pass Administration requirements</li> <li>Also developed the daily route report which underpins the Daily SitRep reporting</li> </ul>	<ul style="list-style-type: none"> <li>Taken the request for a new transport system from concept, through requirements definition and procurement to commencement of operational roll out and live testing.</li> <li>Defined additional costs to cover data requirements for BCC in the absence of a legacy database and revised the business case to justify new requirements.</li> <li>Revised business case includes the cost of project management.</li> </ul>
Interim Transport Operations Manager	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	11/03/2020		31/07/2020	No	£82,660	<ul style="list-style-type: none"> <li>Draft Mobility Assessment Risk Assessment Process.</li> <li>Review of Current</li> </ul>	<ul style="list-style-type: none"> <li>Improved Risk Assessments are being carried out.</li> <li>Engage with</li> </ul>

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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 Transport Operations Manager	Home To School Transport	Assistant Director SEND & Inclusion	Workforce Review Board	Baltimore	17/08/2020		01/04/2021	No	£0.00	Assessment Process and recommendations • Provide guidance on improving safer accurate assessments.	relevant service areas to obtain all relevant information to produce accurate information and assessments.
Interim Transport Operations Manager	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	04/11/2020		29/01/2021	No	£8,065		
Interim Tribunal Officer	Senar - Case Work	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Spencer Clarke	20/10/2020	27/08/2021		Yes	£42,925		
Interim Tribunal Officer	Senar - Case Work	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Baltimore	01/06/2020		31/08/2020	No	£6,450	Managing the throughput of mediations, appeals and tribunals	<ul style="list-style-type: none"> <li>• High level of compliance with statutory timelines.</li> <li>• Robust mediation process to ensure resolution</li> </ul>
Interim Tribunal Officer	Senar - Case Work	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Panoramic	30/06/2020		30/09/2020	No	£19,200		
Interim Tribunal Officer	Senar - Case Work	Head of SENAR	Head of SENAR	Baltimore	01/06/2020		14/08/2020	No	£30,500		
Operational Lead	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	10/02/2021	27/08/2021		Yes	£3,550	* Reviewing and actioning 9,197 outstanding annual review paperwork * Reviewing and actioning newly received review paperwork * Managing placements	<ul style="list-style-type: none"> <li>• 5,271 outstanding reviews closed with all action completed</li> <li>• 2,873 outstanding reviews actioned and awaiting issue by Business Support</li> </ul>
Operational Lead	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	07/12/2020		24/02/2021	No	£12,853		
Operational Lead	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	07/12/2020		11/03/2021	No	£9,500		

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## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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).
Operational Lead	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	11/01/2021	27/08/2021		Yes	£24,620		<ul style="list-style-type: none"> <li>Reduction in the backlog of assessments from 500 to 200</li> </ul>
Operational Lead	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	07/12/2020		24/12/2020	No	£5,000		
Operational Lead	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Venn group	07/12/2020		11/01/2021	No	£7,226		
Provision Manager	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	01/03/2021	27/08/2021		Yes	£19,060		
Provision Manager	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	01/03/2021	27/08/2021		Yes	£25,500		
Provision Manager	Senar - Case Work	Assistant Director SEND & Inclusion	Workforce Review Board	Panoramic	01/03/2021	27/08/2021		Yes	£35,100		
Sensory Consultant	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not Applicable	01/09/2019	Not Applicable		Yes	£42,709	* Review of sensory resource bases * Review of FAMS * Supporting implementation of recommendations	<ul style="list-style-type: none"> <li>Development of more inclusive provision for children with physical difficulties</li> <li>Improved use of resources through use of sensory resource bases</li> </ul>

## City Council – 13 April 2021

Role	Area	Commissioned By	Approved by	Agency	Start Date	Contract end date (if assignment active)	Actual End Date	Is assignment still 'active' Yes or No	Cumulative costs from Sept 2018 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).
Strategic lead for ASC	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Lord	29/10/2020	28/10/2021		Yes	£35,100	* Funding comparison for special schools to inform the special school funding review * Preparatory work for the DLP project	<ul style="list-style-type: none"> <li>• DLP project launched</li> <li>• Special school funding review in progress</li> </ul>
Strategic Lead for SEND Commissioning	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Workforce Review Board	Penna	01/03/2021		01/04/2021	No	£0.00		
Strategic SEND Consultant	SEND Strategic Transformation	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not Applicable	Sep-19		Dec-20	No	£15,836		
Transport Recovery Consultant	Home To School Transport	Assistant Director SEND & Inclusion	Assistant Director SEND & Inclusion	Not Applicable	01/09/2019		01/10/2019	No	£0.00		

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR EDDIE FREEMAN**

**B8      Webinar Costs**

**Question:**

**The Barrister Tom Cross, was engaged to do another Webinar on 15th March 2021. How much did this cost the Council? What date did the City Solicitor approve the spend on this Barrister and who commissioned his services and why?**

**Answer:**

Barrister Tom Cross was invited by the Assistant Director SEND and Inclusion to provide a second webinar for schools entitled, 'The Right of Inclusion in Mainstream Settings'. The webinar provided information on "the right to inclusion" in mainstream for the majority of SEN children in light of current legislation. In the webinar, Tom outlined what this meant in relation to the duties of schools and local authorities and the relationship with reasonable adjustments under equality law. Tom was able to share his experience in leading case law and provided examples in practice. Almost 150 attended the webinar and positive feedback was received from attendees.

The webinar is part of a series for schools to ensure they understand their duties within the SEND legislation.

Currently Birmingham has one of the lowest performance in the country for the number of children with an EHCP attending a mainstream school, with numbers continuing to rise year on year for those children with an EHCP attending a special school.

The use of the barrister for the webinar was approved on 4th February 2021 by the Head of Law (Education) on behalf of the City Solicitor.

Costs for the webinar were £1,800 + VAT.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR TIMOTHY HUXTABLE**

**B9     Letter**

**Question:**

**In response to Question B3, 23rd February 2021, you failed to include the letter you compiled for parents at the first lockdown last year (March 2020). Please provide a copy of the letter?**

**Answer:**

As confirmed in the answer to B3 on 23<sup>rd</sup> February 2021, an individual letter to families was not sent out during the first lockdown.

[Information for parents was posted on the council's Local Offer website](#) which is the approach that local authorities across the region took.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR MEIRION JENKINS**

**B10     Phase Transfer**

**Question:**

**Question B4, 23rd February indicates that there will be ongoing monitoring activity to ensure compliance with the law and requirements contained in the SEND Code of Practice as well as work underway to fully document the decision making process. Please provide evidence of how you have accomplished this with the Phase Transfer (Reception, Secondary) 15th February statutory requirement and Post 16, 31st March statutory requirement, including full details of compliance with the law, the decision making process with dates, and number of EHCPs involved for both.**

**Answer:**

As stated above, all children and young people who are transitioning/changing school placements each September need to have their new placement named on their EHC Plan by 15th February for children starting Reception, Yr 2 (if in an infant school) and Yr 6 in September 2021. For those young people leaving school/college in Yr11, Yr13 & Yr 14, their placement needs to be secured by 31st March for September 2021.

In order for the LA to meet this target, all children/young people need to have a Transition Annual Review in the Summer Term prior to their transition year (Summer term in -1yr, Yr.1, Yr. 5, Yr.10, Yr.12 & Yr.13). This review should be person centred and should cover the aspirations for the future for the young person (particularly for those Yr.5 students moving into secondary education)

The school should then ensure that the paperwork is submitted to the SEN service within 2 weeks to ensure that the LA can complete its review of the paperwork and advise if the EHC plan needs to be updated.

Parent/Carers should be asked for their preference for a future school placement in readiness to start the consultation process early in the Autumn term.

Consultations should be sent to the Parental Preference school and the schools that are suitable and are nearest to the child's home address. Schools can take up to 15 days to respond to the consultation request and must submit a legal response which complies with the Code of Practice.

If the school response states they are unable to offer a place but does not contain a legal reason, the LA can challenge this decision. If on challenge it is felt that the decision to admit is still not compatible with the Code of Practice, the LA can direct a school to admit a child.

Where possible, the LA should look to name the Parental Preference for a school/college placement unless:

- It would be unsuitable for the age, ability, aptitude or SEN of the child or young person,  
or



- The attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.

Once a placement is confirmed then an amended final EHC plan should be issued naming the current placement and the proposed placement from September. These plans can be issued as soon as the decision has been made and do not have to wait until the deadline dates.

If parent/carers are unhappy with the decisions made, they have the right to request Mediation to try to resolve their concerns or can lodge a Tribunal to appeal against the decision made.

### **How did Birmingham apply the legal requirements for Phase Transfer in 2020/21?**

Birmingham City Council maintains around 10,500 EHC plans and had around 650 children going through the Secondary Transfer process and around 1900 students who were going through the Post 16 Transfer process.

414 families received their phase transfer placement decision by the 15<sup>th</sup> February and all (around 1900) post 16 students received a letter of intent, proposing the placement that the LA was intending to name by the 31<sup>st</sup> March 2021. All remaining updated final EHC plans will be issued as soon as possible.

Where the LA did not receive a request for a future placement and where it was proposing to cease EHC plans, due to students moving into work rather than education (around 722) a letter was sent advising families of this and encouraged them to get in touch if they wanted to reconsider their decision.

Not all students needed a change of placement (i.e. if they were planning to stay in their current school and move to 6<sup>th</sup> form provision) however they did need to go through the transition process and have their future placement named in their EHC plan.

There were many challenges that faced the LA, and which meant that some children/ young people did not receive their future placement by the deadline dates. These challenges are all being addressed to ensure that this process works well in future years.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR GARETH MOORE**

**B11     Independent Places**

**Question:**

**Please provide the following numbers for children and young people (CYP) with EHCPs in Independent placements:**

- **How many CYP, with EHCPs in September 2018 were in Independent Schools.**
- **How many CYP, with EHCPs in September 2019 were in Independent Schools.**
- **How many CYP, with EHCPs in September 2020 were in Independent Schools.**

**Answer:**

The data below illustrates the number of pupils with an EHCP where Birmingham LA were funding a place at an Independent setting in September each year:

Type of Setting	SEPT 2020	SEPT 2019	SEPT 2018
Independent Mainstream	173	207	151
Independent Special	184	201	206
Non Maintained Special	6	6	8
<b>TOTAL</b>	<b>363</b>	<b>414</b>	<b>365</b>
Special Post 16 Independent	473	427	374
<b>Grand Total</b>	<b>836</b>	<b>841</b>	<b>739</b>

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR RON STORER**

**B12     Question B6**

**Question:**

**In Question B6, 23rd February 2021, you failed to answer the question. Please state the number of children with EHCPs who are accessing Home Based learning or attending school on a part time basis. Please answer yes or no to: is this lawful practice that fulfils statutory Section F and I requirements?**

**Answer:**

Home based learning is not proposed as long-term alternative to a named school in Part I of an EHCP for a child who requires a school place. The child's EHCP will usually name the type of placement required in Part I and home tuition will then be arranged on an interim basis while an appropriate school in accordance with the type of placement specified is secured and agreed with families.

Home based learning will not meet all the requirements of Part F as that section may refer to specific class-based interventions, group sizes, school staffing and support arrangements etc. Nor will it meet the requirements of Part I where a school placement is specified. However, this does not mean that home-based learning is unlawful when used as a short-term arrangement while a school place is being secured, provided it is suitable full-time education.

Officers are in the process of updating and assuring the precise number of pupils who are accessing home-based learning or attending school on a part time basis. I will make this data available to elected members by Friday 23rd April 2021.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR BRUCE LINES**

**B13     SEND Decisions**

**Question:**

**Please state the number of cases awaiting SEND Decisions by each of the 7 DMGs (along with a list of the people who sit on the DMG) specifying how many have been waiting for:**

- Longer than 1 month
- Longer than 3 months
- Longer than 6 months
- 1 year or longer

**Answer:**

The number of awaiting decisions at the scheduled DMGs are detailed in the table below. We are holding regular weekly DMGs to ensure that the decisions are made timely:

Decision making group	Outstanding Decisions				
	Within 1 Month	Longer than 1 month	Longer than 3 months	Longer than 6 months	1 Year or Longer
Assessment	0	0	0	0	0
Issue	0	0	0	0	0
Funding	27	0	0	0	0
Provision Placements (4)	57	8	0	0	0

Decision Making Group members are as follows:

Advisory teams Heads of Service  
Advisory teachers  
Educational Psychologists  
Health & Social care representatives  
Special School Head Teachers  
Case Officers  
Finance officer  
Assistant Director (Funding DMG)

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING FROM COUNCILLOR JOHN LINES**

**B14     Developing Local Provision**

**Question:**

**Please provide the project plans and spend details for the Developing Local Provision**

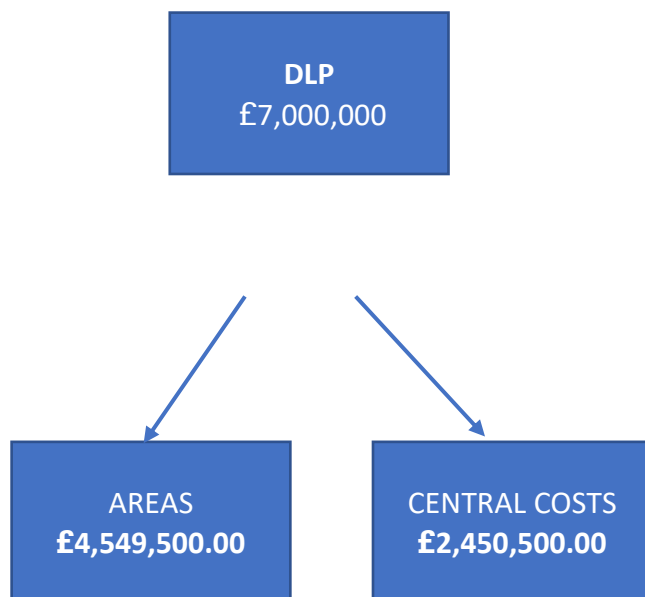
**Answer:**

The project plan and spend details have been attached with this response.

		<b>Allocated Funding</b>
1	<b>DLP</b>	<b>£7,000,000</b>
2A	<b>AREAS</b>	<b>£4,549,500.00</b>
	<b><i>East Total</i></b>	<b><i>£970,087.31</i></b>
	East Proposal 1	£418,202.09
	East Proposal 2	
	Eastwards	£213,147.91
	Cole Heath A + B	£208,989.60
	FAYS*	£171,270.73
	Saltley Plus*	£125,084.61
		-
	<b><i>Central Total</i></b>	<b><i>£641,592.81</i></b>
	Central Proposal 1	£249,696.37
	Central Proposal 2	£120,096.37
	Cole Heath B	
	Sparklers	£225,288.81
	<b><i>South Total</i></b>	<b><i>£639,770.15</i></b>
	South Literacy	£322,301.46
	South SEMH	
	South SEND Transformation	
	Hall Green	£182,159.42
	Kings Norton	£135,309.27
		-
	<b><i>South West Total</i></b>	<b><i>£640,567.68</i></b>
	South West	£323,313.20
	South West 2	
	Senneleys Park	£84,363.12
	Quinbourne	£93,002.50
	Northfield	£139,888.86

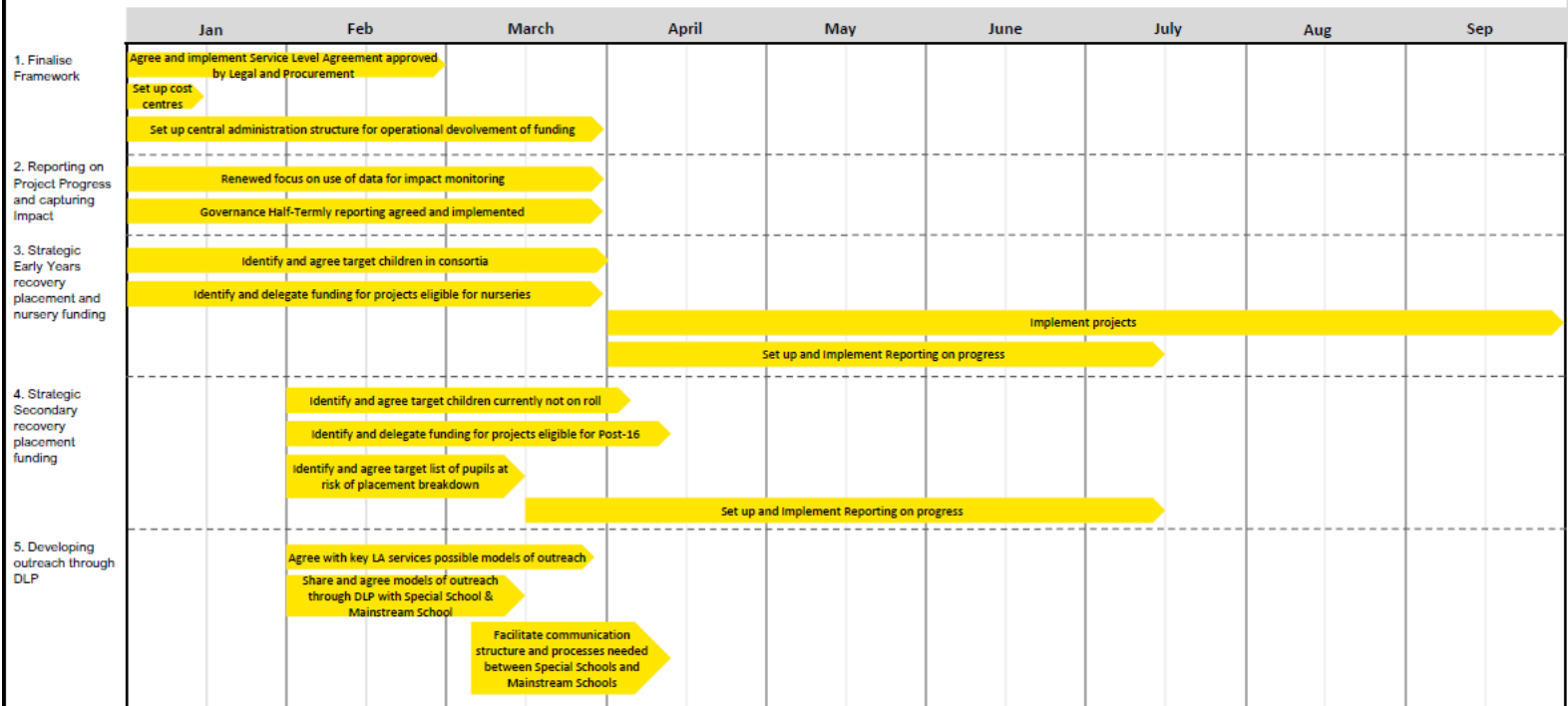
# City Council – 13 April 2021

		-
<b>North Total</b>		<b>£793,258.77</b>
North		£374,578.11
North (Sutton)		
Sutton Coldfield		£144,682.60
Sutton Coldfield 2		
Sutton Coldfield 3		
Erdington		£135,721.51
Erdington 2		
Perry Barr		£138,276.55
		-
<b>North West Total</b>		<b>£864,223.28</b>
North West Proposal 1		£411,408.77
North West Proposal 2		
North West Proposal 3		
Handsworth		£212,134.97
Aston Nechells*		£142,183.25
Ladywood Soho		£98,496.28
2B <b>CENTRAL COSTS</b>		<b>£2,450,500.00</b>
Central Costs & Contingency		£650,500.00
PVI & Nursery		£250,000
POST 16		£350,000
Panel - EY		£700,000
Panel - Secondary		£500,000



Red = Proposal in with SG  
 Amber = Approved by Steering Group  
 Green = Approved by Ref Grp

## Developing Local Provision Plan-on-a-Page



**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR MAUREEN CORNISH**

**B15     DfE Data Return**

**Question:**

**Please provide the DfE data return for the 'SEN2 Return' for 2019 and the data for the 'SEN2 Return' 2020.**

**Answer:**

The 2019, 2020 and 2021 SEN2 returns have been provided with this response.

SEN2 data is published at the following link and 2021 data will be published in the summer 2021:

<https://explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>



## SEN2 (2019) Form

Census date: 17 January 2019

### Overview

The information collected via the annual SEN2 survey form provides the major source of data collected on children and young people with statements of special educational need or Education, Health and Care (EHC) plans. It is the only source of data on the totality of statements and EHC plans maintained by individual local authorities.

<b>Local Authority Number</b>	1	Birmingham City Council
<b>Completion time:</b>	2	60
Amount of time spent completing this form (to the nearest hour)		
<b>Contact forename:</b>	2A	Saadhia
<b>Contact surname:</b>	2B	Kamran
<b>Telephone number:</b>	2C	0121 303 2440
<b>Email address:</b>	2D	<a href="mailto:saadhia.kamran@birmingham.gov.uk">saadhia.kamran@birmingham.gov.uk</a>

### PART 1: Education arrangements for all children and young people for whom the authority maintains a statement or an Education, Health and Care (EHC) plan.

- 1.1 Please state the number of children and young people as at 17 January 2019, for whom the authority maintains an Education, Health and Care (EHC) plan under the Children and Families Act 2014.

The age breakdown refers to age as at 31 August 2018.

a.	Under age 5	3	423
b.	Aged 5 to 10	4	3008
c.	Aged 11 to 15	5	3121
d.	Aged 16 to 19	6	2176
e.	Aged 20 to 25	7	709
f.	<b>TOTAL (a + b + c + d + e)</b>	8	9437

1.2 a Of the children and young people entered in 1.1, please state the number:

(i) On the roll of the following establishments. <b>This should be the type of establishment named on the EHC plan.</b> Include children and young people whose EHC plan is under appeal.		
a.	Non-maintained early years settings in the private and voluntary sector	9 <input type="text" value="36"/>
b.	Mainstream school: LA maintained (including foundation schools)	10 <input type="text" value="997"/>
c.	Mainstream school: LA maintained (SEN Unit)	11 <input type="text" value="0"/>
d.	Mainstream school: LA maintained (resourced provision)	12 <input type="text" value="189"/>
e.	Mainstream school: academy	13 <input type="text" value="824"/>
f.	Mainstream school: academy (SEN Unit)	14 <input type="text" value="0"/>
g.	Mainstream school: academy (resourced provision)	15 <input type="text" value="385"/>
h.	Mainstream school: free school	16 <input type="text" value="38"/>
i.	Mainstream school: free school (SEN Unit)	17 <input type="text" value="2"/>
j.	Mainstream school: free school (resourced provision)	18 <input type="text" value="0"/>
k.	Mainstream school: independent school	19 <input type="text" value="209"/>
l.	Special school: LA maintained (including foundation schools)	20 <input type="text" value="2962"/>
m.	Special school: academy/free	21 <input type="text" value="1288"/>
n.	Special school: Non-maintained	22 <input type="text" value="4"/>
o.	Special school: Independent special schools	23 <input type="text" value="204"/>
p.	AP/PRU: LA maintained	24 <input type="text" value="9"/>
q.	AP/PRU: Academy	25 <input type="text" value="0"/>
r.	AP/PRU: Free school	26 <input type="text" value="7"/>
s.	Hospital schools (including foundation schools)	27 <input type="text" value="0"/>
t.	Post 16: General FE and tertiary colleges/HE	28 <input type="text" value="1171"/>
u.	Post 16: Other FE	29 <input type="text" value="41"/>
v.	Post 16: Sixth form college	30 <input type="text" value="41"/>
w.	Post 16: Specialist post-16 Institutions	31 <input type="text" value="489"/>
(ii)	Total of 1.2 a (i)	32 <input type="text" value="8896"/>

(iii)	Educated elsewhere		
a.	Pupils permanently excluded at 17 January 2019 and not yet placed elsewhere	33	9
b.	Other - arrangements made by the LA in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014	34	36
	<b>NOTE:</b> Include children and young people who are within Secure units or Young offenders institutions within 1.2 (iii) (b)		
c.	Other - arrangements made by parents in accordance with Section 7 of the Education Act 1996	35	50
d.	Awaiting provision – children of compulsory school age (aged under 16) or below who are in a school and have been issued an EHC plan but are awaiting placement in another school	36	112
e.	Awaiting Provision – young people over compulsory school age who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	37	0
f.	Awaiting provision – children of compulsory school age (aged under 16) or below who are not in school and have been issued an EHC plan but are awaiting placement in an education setting	38	88
g.	Awaiting Provision – young people over compulsory school age who are not in an education setting and have been issued an EHC plan but are awaiting placement in a setting	39	26
h.	NEET – Young people who have an EHC plan but are not in employment, education or training	40	220
i.	Other – Including those who have been issued a notice to cease (for example, after taking up of employment) and the decision is currently subject to an appeal to the Tribunal	41	0

1.2 b Of the young people entered in 1.1, please state the number undertaking:

a.	Apprenticeships	42	0
b.	Traineeships	43	0
c.	Supported Internships	44	44

1.2 c Of all children and young people with an EHC Plan at 17 January 2019, how many were placed in residential special schools or colleges:

The age breakdown refers to age as at **31 August 2018**

(i) 38 to 51 weeks per year

a.	Under age 5	45	0
b.	Aged 5 to 10	46	23
c.	Aged 11 to 15	47	65
d.	Aged 16 to 19	48	19
e.	Aged 20 to 25	49	11
f.	<b>TOTAL (a + b + c + d + e)</b>	50	<b>118</b>

(ii) 52 weeks per year

a.	Under age 5	51	0
b.	Aged 5 to 10	52	1
c.	Aged 11 to 15	53	5
d.	Aged 16 to 19	54	13
e.	Aged 20 to 25	55	0
f.	<b>TOTAL (a + b + c + d + e)</b>	56	<b>19</b>

**PART 2: New Assessments and placements by the local authority during the 2018 calendar year.**

2.1 Please state the number of children and young people for whom an Education, Health and Care (EHC) plan under the Children and Families Act 2014 was made for the **first time** during the 2018 calendar year.

The age breakdown refers to age as at **31 August 2018**.

**NOTE:** These do not include reassessments of EHC plans.

Please refer to the guide for information on **transfers between local authorities**.

a.	Under age 5	57	318
b.	Aged 5 to 10	58	323
c.	Aged 11 to 15	59	131
d.	Aged 16 to 19	60	31
e.	Aged 20 to 25	61	2
f.	<b>TOTAL (a + b + c + d + e)</b>	62	<b>805</b>

2.2 a Of the children and young people entered in 2.1, please state the number:

(i) On the roll of the following establishments. **This should be the type of establishment named on the EHC plan.** Include children and young people whose EHC plan is under appeal.

a.	Non-maintained early years settings in the private and voluntary sector	63	38
b.	Mainstream school: LA maintained (including foundation schools)	64	233
c.	Mainstream school: LA maintained (SEN Unit)	65	0
d.	Mainstream school: LA maintained (resourced provision)	66	26
e.	Mainstream school: academy	67	127
f.	Mainstream school: academy (SEN Unit)	68	0
g.	Mainstream school: academy (resourced provision)	69	20
h.	Mainstream school: free school	70	2
i.	Mainstream school: free school (SEN Unit)	71	0
j.	Mainstream school: free school (resourced provision)	72	0
k.	Mainstream school: independent school	73	19
l.	Special school: LA maintained (including foundation schools)	74	132
m.	Special school: academy/free	75	75
n.	Special school: Non-maintained	76	0
o.	Special school: Independent special schools	77	10
p.	AP/PRU: LA maintained	78	5
q.	AP/PRU: Academy	79	0
r.	AP/PRU: Free school	80	1
s.	Hospital schools (including foundation schools)	81	1
t.	Post 16: General FE and tertiary colleges/HE	82	11
u.	Post 16: Other FE	83	1
v.	Post 16: Sixth form college	84	0
w.	Post 16: Specialist post-16 Institutions	85	2
(ii)	Total of 2.2 a (i)	86	703

(iii)	Educated elsewhere		
a.	Pupils permanently excluded at 17 January 2019 and not yet placed elsewhere	87	<input type="text" value="0"/>
b.	Other - arrangements made by the LA in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014	88	<input type="text" value="2"/>
	<b>NOTE:</b> Include children and young people who are within Secure units or Young offenders institutions within 1.2 (iii) (b)		
c.	Other - arrangements made by parents in accordance with Section 7 of the Education Act 1996	89	<input type="text" value="7"/>
d.	Awaiting provision – children of compulsory school age (aged under 16) or below who are in a school and have been issued an EHC plan but are awaiting placement in another school	90	<input type="text" value="65"/>
e.	Awaiting Provision – young people over compulsory school age who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	91	<input type="text" value="0"/>
f.	Awaiting provision – children of compulsory school age (aged under 16) or below who are not in school and have been issued an EHC plan but are awaiting placement in an education setting	92	<input type="text" value="22"/>
g.	Awaiting Provision – young people over compulsory school age who are not in an education setting and have been issued an EHC plan but are awaiting placement in a setting	93	<input type="text" value="3"/>
h.	NEET – Young people who have an EHC plan but are not in employment, education or training	94	<input type="text" value="3"/>
i.	Other – Including those who have been issued a notice to cease (for example, after taking up of employment) and the decision is currently subject to an appeal to the Tribunal	95	<input type="text" value="0"/>
2.2 b	Of the young people entered in 2.1, please state the number undertaking:		
a.	Apprenticeships	96	<input type="text" value="0"/>
b.	Traineeships	97	<input type="text" value="0"/>
c.	Supported Internships	98	<input type="text" value="0"/>

- 2.3 Please state the number of children and young people assessed under Section 36 of the Children and Families Act 2014 for whom it was decided not to issue an EHC plan during the 2018 calendar year.

99  87

**NOTE:** Do not include children and young people who are still being assessed or those where assessment has been completed by 17 January 2019 but no decision taken on whether to issue an EHC plan. Do not include reassessments of statements or EHC plans; or transitions from statements to EHC plans.

- 2.4 Please state the number of children and young people assessed for an EHC plan during the 2018 calendar year who are still being assessed or where assessment has been completed by 17 January 2019 but no decision taken for an EHC plan.

100  142

**NOTE:** These do not include: reassessments of EHC plans; or transitions from statements to EHC plans.

- 2.5 Please state the number of initial requests for assessment for an EHC plan that were refused during the 2018 calendar year.

101  339

**NOTE:** These do not include: reassessments of EHC plans; or transitions from statements to EHC plans.

Please also include cases where the initial request for assessment was made during 2017, but the request was refused during 2018.

- 2.6 For children and young people with a statement of special educational needs (A) or an EHC plan (B) made prior to 1 January 2018:

- a. Please state the number of children who transferred during the 2018 calendar year:

		(A)		(B)
i.	from mainstream settings to special settings	102A	<input type="text"/> 3	102B <input type="text"/> 177
ii.	from special settings to mainstream settings	103A	<input type="text"/> 2	103B <input type="text"/> 80

- b. Please state the number, during the 2018 calendar year, who were taken out of school by their parents to be home

i.	from mainstream settings	104A	<input type="text"/> 0	104B <input type="text"/> 10
ii.	from special settings	105A	<input type="text"/> 1	105B <input type="text"/> 4

**NOTE:** Only include in year transfers and not end of academic year phase transfers.

Mainstream settings refer to the establishment types (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (p), (q), (r), (s), (t), (u), (v) and special settings refer to the establishment types (l), (m), (n), (o), (w), detailed in Item 1.2a.

- 2.7 Please state the number of statements of special educational needs (A) or EHC plans (B) that have been reviewed and discontinued in the 2018 calendar year. Only include children of compulsory school age.

For pupils who have:

	(A)	(B)
a. Transferred to another LA	106A <input type="text" value="14"/>	106B <input type="text" value="175"/>
b. Special needs being met without an EHC plan	107A <input type="text" value="61"/>	107B <input type="text" value="290"/>
c. Other	108A <input type="text" value="1"/>	108B <input type="text" value="9"/>

**NOTE:** Please do not include pupils whose statement was assessed for an EHC plan (whether an EHC plan was issued or not) or whose statement/ EHC plan has ended because they have left school at the end of compulsory schooling. Please see the guide for a link to school leaving age information.

- 2.8 Please state the number of statements of special educational needs (A) or EHC plan (B) that have been discontinued in the 2018 calendar year because pupils have left school at the end of compulsory schooling or after.

(A)	(B)
109A <input type="text" value="27"/>	109B <input type="text" value="24"/>

- 2.9 Please state the number of initial requests that were made for assessment for an EHC plan during the 2018 calendar year.

110

**NOTE:** These do not include: reassessments of EHC plans; or transitions from statements to EHC plans.

- 2.10 Please state the number of initial requests for assessments for an EHC plan during the 2018 calendar year that were made when the child or young person was detained in

111

**NOTE:** Relevant youth accommodation includes Young Offenders Institutions, Secure Training Centres and Secure Children's Homes.

**PART 3: Education, Health and Care plans issued within 20 weeks**

Data should only cover EHC plans issued for the **first time** (not reassessments) in the 2018 calendar year.

Please refer to Annex B of the guide for details of exceptions to the time limits.

Please refer to guide for information on **transfers between local authorities**.

- 3.1 Please state for the 2018 calendar year:

a. the total number of EHC plans issued including exception cases	112 <input type="text" value="805"/>
b. of which, the number of EHC plans including exception cases issued within 20 weeks	113 <input type="text" value="645"/>

- 3.2 Please state for the 2018 calendar year:

a. the total number of EHC plans issued excluding exception cases	114 <input type="text" value="713"/>
b. of which, the number of EHC plans excluding exception cases issued within 20 weeks	115 <input type="text" value="605"/>



## **PART 4: Progress transferring children and young people with statements of special educational needs to the new system**

This should only count EHC plans that have been converted from **existing** statements.

4.1 Please state:

- |    |   |     |  |
|----|---|-----|--|
| a. | the number of children and young people with statements who were issued with an EHC plan in the period 19 January 2018 to 31 March 2018   | 116 | <input style="width: 80px; border: 1px solid black;" type="text" value="784"/> |
| b. | the number of children and young people with statements who were assessed for an EHC plan and a decision not to issue an EHC plan made in the period 19 January 2018 to 31 March 2018 | 117 | <input style="width: 80px; border: 1px solid black;" type="text" value="1"/>   |

## **PART 5: Number of personal budgets and direct payments**

- |     |   |     |  |
|-----|---|-----|--|
| 5.1 | Please state the number of personal budgets in place for all EHC plans as at 17 January 2019. | 118 | <input style="width: 80px; border: 1px solid black;" type="text" value="218"/> |
|-----|---|-----|--|

**NOTE:** Please record the number of personal budgets for EHC plans maintained at the census date. This item replaces the number of EHC plans issued or reviewed during the year as per previous year's collections.

5.2 Of those in 5.1, please give the number of personal budgets that have:

- |      |  |     |  |
|------|--|-----|--|
| a.   | organised arrangements where the local authority or partner retains the funding and commissions the support specified in the plan (sometimes called notional arrangements) | 119 | <input style="width: 80px; border: 1px solid black;" type="text" value="3"/>   |
| b.   | direct payments (including payment to nominees and third parties) and whether these are for:   |     |  |
| i.   | education  | 120 | <input style="width: 80px; border: 1px solid black;" type="text" value="7"/>   |
| ii.  | social care  | 121 | <input style="width: 80px; border: 1px solid black;" type="text" value="209"/> |
| iii. | health   | 122 | <input style="width: 80px; border: 1px solid black;" type="text" value="0"/>   |
| iv.  | integrated payment for a combination of the above  | 123 | <input style="width: 80px; border: 1px solid black;" type="text" value="0"/>   |

**NOTE:** A personal budget can be a mixture of organised arrangements and direct payments. Such cases should be counted under both 5.2a and 5.2b. Therefore, it is possible for the sum of 5.2a and 5.2b to be greater than 5.1.

## **PART 6: Effectiveness of mediation**

- |     |  |     |  |
|-----|--|-----|--|
| 6.1 | (i) Please state for the 2018 calendar year, the number of mediation cases that have been held i.e. where a mediation meeting has occurred, regardless of the outcome. | 124 | <input style="width: 80px; border: 1px solid black;" type="text" value="100"/> |
|     | (ii) Of those in 6.1 (i), please state the number of cases which were followed by appeals to the Tribunal.   | 125 | <input style="width: 80px; border: 1px solid black;" type="text" value="9"/>   |

## City Council – 13 April 2021

### **PART 7: Designated Medical / Clinical Officer (DMO / DCO)**

7.1 Does your local authority area have a Designated Medical Officer (DMO) in place on 17 January 2019?

(i) Yes

**\*Yes/No/Recruitment in**

126 Yes

(ii) No

126

(iii) Recruitment in progress

126

7.2 Does your local authority area have a Designated Clinical Officer (DCO) in place on 17 January 2019?

(i) Yes

**\*Yes/No/Recruitment in**

127

(ii) No

127 No

(iii) Recruitment in progress

127

7.3 Is the function of the DMO/DCO carried out by another member of staff on 17 January 2019?

(i) Yes

**\*Yes/No Drop Down Box**

128 Yes

(ii) No

128

# Special educational needs survey 2020

## 1.1 Age

(a) Under age 5	414
(b) Aged 5 to 10	3028
(c) Aged 11 to 15	3234
(d) Aged 16 to 19	2068
(e) Aged 20 to 25	425
(f) Total (sum of (a) to (e)).	9169

## 1.2a Establishment

(a) Non-maintained early years settings in the private and voluntary sector	15
(b) Mainstream school: LA maintained (including foundation schools)	1272
(c) Mainstream school: LA maintained (SEN Unit)	0
(d) Mainstream school: LA maintained (resourced provision)	319
(e) Mainstream school: academy	548
(f) Mainstream school: academy (SEN Unit)	0
(g) Mainstream school: academy (resourced provision)	252
(h) Mainstream school: free school	65
(i) Mainstream school: free school (SEN Unit)	0
(j) Mainstream school: free school (resourced provision)	0
(k) Mainstream school: independent school	188
(l) Special school: LA maintained (including foundation schools)	3006
(m) Special school: academy/free	1358
(n) Special school: Non-maintained	8
(o) Special school: Independent special schools	191
(p) AP/PRU: LA maintained	14
(q) AP/PRU: Academy	0
(r) AP/PRU: Free school	5
(s) Hospital schools (including foundation schools)	0
(t) Post 16: General FE and tertiary colleges/HE	925
(u) Post 16: Other FE	67
(v) Post 16: Sixth form college	0
(w) Post 16: Specialist post-16 Institutions	435
Total of 1.2a(i)	8668

**(iii) Educated elsewhere**

(a) Pupils permanently excluded at 16 January 2020 and not yet placed elsewhere	10
(b) Other – arrangements made by the local authority in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014	25
(c) Elective home education – the number of children with EHC plans who are subject to elective home education	59
(d) Other – arrangements made by parents in accordance with Section 7 of the Education Act 1996, excluding those who are subject to elective home education	0
(e) Awaiting provision – children below compulsory school age (aged under 5) who are attending an education setting and have been issued an EHC plan but are awaiting placement in another setting	21
(f) Awaiting provision – children of compulsory school age (aged 5 to 15) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	97
(g) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	1
(h) Awaiting provision – children below compulsory school age (aged under 5) who are not attending any education setting and have been issued an EHC plan but are awaiting placement	10
(i) Awaiting provision – children of compulsory school age (aged 5 to 15) who are not attending any education setting and have been issued an EHC plan but are awaiting placement	97
(j) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are not in an education setting and have been issued an EHC plan but are awaiting placement	72
(k) NEET – Young people who have an EHC plan but are not in employment, education or training	109
(l) Other – Including those who have been issued a notice to cease (for example, after taking up of	

***Include children and young people who are within secure units or young offenders institutions within 1.2 a (iii) (b)***

***Children and young people who are applicable to (d) should not also be counted in (c)***

***Include cases where the child/young person is attending education but having been issued an EHC plan are awaiting confirmation on the establishment to be named on the plan***

***1.2a (iii) (h to l) should not include any children or young people currently in education. Please include cases where the child/young person has moved in to the LA and are awaiting placement***

**1.2b Apprenticeships, traineeships and supported internships**

All young people recorded in this section should also be counted against an establishment type in section 1.2a. This should be the establishment type of the further education or post-16 setting to which the work based learning is attached, for example establishment types t), u), v), w) in section 1.2a) i).

(a) Apprenticeships	1
(b) Traineeships	0
(c) Supported Internships	41

**Item 1.2c Residential settings**

a) For 38-51 weeks:

The age breakdown refers to age as at 31 August 2019.

The age categories are:

(a) Under age 5	
(b) Aged 5 to 10	
(c) Aged 11 to 15	4
(d) Aged 16 to 19	5
(e) Aged 20 to 25	1
(f) Total (sum of (a) to (e)).	10

b) For 52 weeks:

The age breakdown refers to age as at 31 August 2019.

The age categories are:

(a) Under age 5	0
(b) Aged 5 to 10	0
(c) Aged 11 to 15	3
(d) Aged 16 to 19	8
(e) Aged 20 to 25	2
(f) Total (sum of (a) to (e)).	13

**Part 2: Assessments and placements**

*Please state the number of children and young people for whom an Education, Health and Care (EHC) plan under the Children and Families Act 2014 was made for the first time during the 2019 calendar year. Note: Do not include reassessments of EHC plans.*

**Item 2.1 Age**

The age breakdown refers to age as at 31 August 2019

The age categories are:

(a) Under age 5	300
(b) Aged 5 to 10	337
(c) Aged 11 to 15	219
(d) Aged 16 to 19	38
(e) Aged 20 to 25	4
(f) Total (sum of (a) to (e)).	898

**Item 2.2a Establishment**

*(i) Of the children and young people entered in Item 2.1, please state the number on the roll of the following establishments. This should be the type of establishment named on the EHC plan. Include children and young people whose EHC plan is under appeal.*

(a) Non-maintained early years settings in the private and voluntary sector	12
(b) Mainstream school: LA maintained (including foundation schools)	301
(c) Mainstream school: LA maintained (SEN Unit)	0
(d) Mainstream school: LA maintained (resourced provision)	39
(e) Mainstream school: academy	87
(f) Mainstream school: academy (SEN Unit)	0
(g) Mainstream school: academy (resourced provision)	13
(h) Mainstream school: free school	4
(i) Mainstream school: free school (SEN Unit)	0
(j) Mainstream school: free school (resourced provision)	0
(k) Mainstream school: independent school	14
(l) Special school: LA maintained (including foundation schools)	141
(m) Special school: academy/free	89
(n) Special school: Non-maintained	1
(o) Special school: Independent special schools	12
(p) AP/PRU: LA maintained	12
(q) AP/PRU: Academy	0
(r) AP/PRU: Free school	0
(s) Hospital schools (including foundation schools)	0
(t) Post 16: General FE and tertiary colleges/HE	16
(u) Post 16: Other FE	3
(v) Post 16: Sixth form college	0
(w) Post 16: Specialist post-16 Institutions	6
 Total of 2.2a(i)	 750

**(iii) Educated elsewhere**

(a) Pupils permanently excluded at 16 January 2020 and not yet placed elsewhere	5
(b) Other – arrangements made by the local authority in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014	1
(c) Elective home education – the number of children with EHC plans who are subject to elective home education	8
(d) Other – arrangements made by parents in accordance with Section 7 of the Education Act 1996, excluding those who are subject to elective home education	0
(e) Awaiting provision – children below compulsory school age (aged under 5) who are attending an education setting and have been issued an EHC plan but are awaiting placement in another setting	20
(f) Awaiting provision – children of compulsory school age (aged 5 to 15) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	55
(g) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	0
(h) Awaiting provision – children below compulsory school age (aged under 5) who are not attending any education setting and have been issued an EHC plan but are awaiting placement	9
(i) Awaiting provision – children of compulsory school age (aged 5 to 15) who are not attending any education setting and have been issued an EHC plan but are awaiting placement	23
(j) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are not in an education setting and have been issued an EHC plan but are awaiting placement	5
(k) NEET – Young people who have an EHC plan but are not in employment, education or training	5
(l) Other – Including those who have been issued a notice to cease (for example, after taking up of	17

*Include children and young people who are within secure units or young offenders institutions within 2.2 a*

*(iii) (b)*

*Children and young people who are applicable to (d) should not also be counted in (c)*

*Include cases where the child/young person is attending education but having been issued an EHC plan are awaiting confirmation on the establishment to be named on the plan*

*2.2a (iii) (h to l) should not include any children or young people currently in education. Please include cases where the child/young person has moved in to the LA and are awaiting placement*

## 2.2b Apprenticeships, traineeships and supported internships

All young people recorded in this section should also be counted against an establishment type in section 1.2a. This should be the establishment type of the further education or post-16 setting to which the work based learning is attached, for example establishment types t), u), v), w) in section 1.2a) i).

(a) Apprenticeships	0
(b) Traineeships	0
(c) Supported Internships	0

## 2.3 Decisions not to issue

Please state the number of children and young people assessed under Section 36 of the Children and Families Act 2014 for whom it was decided not to issue an EHC plan during the 2019 calendar year.	153
--	-----

## 2.4 Currently being assessed

Please state the number of children and young people assessed for an EHC plan during the 2019 calendar year who are still being assessed or where assessment has been completed by 16 January 2020 but no decision taken for an EHC plan.	357
---	-----

## 2.5 Assessments refused

Please state the number of initial requests for assessment for an EHC plan that were refused during the 2019 calendar year.	467
---	-----

## 2.6 In year transfers between establishments

(a) Please state the number of children and young people with an EHC plan made before 1 January 2019 who transferred during the 2019 calendar year:

(i) from mainstream settings to special settings	311
(ii) from special settings to mainstream settings	66

(b) Please state the number, during the 2019 calendar year, who were taken out of school by their parents to be home educated:

(i) from mainstream settings	24
(ii) from special settings	6

*Note: Only include in year transfers and not end of academic year phase transfers.*

*Mainstream settings refer to the establishment types (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (p), (q), (r), (s), (t), (u), (v) and special settings refer to the establishment types (l), (m), (n), (o), (w) in Annex A.*



**2.7 Discontinued plans (compulsory school age)**

Please state the number of EHC plans that have been reviewed and discontinued in the 2019 calendar year. Only include children of compulsory school age. For pupils who have:

(a) Transferred to another LA	155
(b) Special needs being met without an EHC plan	4
(c) Other	13

**2.8 Discontinued plans (school leavers)**

Please state the number of EHC plans that have been discontinued in the 2019 calendar year because pupils have left school at the end of compulsory schooling or after. 1083

**2.9 Initial requests for EHC plan assessments**

Please state the number of initial requests that were made for assessment for an EHC plan during the 2019 calendar year. 1589

**2.10 Initial requests for assessments made whilst in relevant youth accommodation**

Please state the number of initial requests for assessments for an EHC plan during the 2019 calendar year that were made when the child or young person was detained in relevant youth accommodation (RYA). 0

Note: Relevant youth accommodation includes Young Offenders Institutions, Secure Training Centres and Secure Children's Homes.

**3.1 EHC plans issued within 20 weeks (including exception cases)**

(a) Total number of EHC plans issued including exception cases. All EHC plans issued in the calendar year 2019. 898

(b) Of which, the number of EHC plans including exception cases issued within 20 weeks. All EHC plans issued in the calendar year 2019 which were issued within 20 weeks, including those where one or more of the allowable exceptions to the time limits have been called upon. 572

**3.2 EHC plans issued within 20 weeks (excluding exception cases)**

(a) Total number of EHC plans issued excluding exception cases. The total number of EHC plans issued within the calendar year 2019 excluding exception cases. This figure should be the sum of 3.2(b) and any non-exception cases produced outside the 20 weeks' timescale. 768

(b) Of which, the number of EHC plans excluding exception cases issued within 20 weeks. The number of EHC plans issued within the calendar year 2019 which were issued within 20 weeks, where none of the allowable exceptions to the time limits have been called upon. 550



#### **4.1 Personal budgets**

**Please state the number of personal budgets in place for all EHC plans maintained at 16 January 2020** 340

#### **4.2 Personal budget types**

Of those in Item 4.1, please give the number of personal budgets that have:

- |   |     |
|---|-----|
| a) Organised arrangements where the local authority or partner retains the funding and commissions the support spec | 33  |
| b) Direct payments (including payments to nominees and third parties) and whether these are for                     |     |
| (i) education,  | 10  |
| (ii) social care,   | 297 |
| (iii) health, or  | 0   |
| (iv) integrated payment for a combination of the above.   | 0   |

*Note: Only direct payments or organised arrangements from the personal budgets stated in 4.1 should be included. Direct payments received from other providers should not be included in 4.1 or 4.2. A personal budget can be a mixture of organised arrangements and direct payments. Such cases should be counted under both 4.2 (a) and 4.2 (b). Therefore it is possible for the sum of 4.2 (a) and 4.2 (b) to be greater than 4.1.*

#### **5.1 Effectiveness of mediation**

- |  |     |
|--|-----|
| (i) Please state, for the 2019 calendar year, the number of mediation cases that have been held; i.e. where a mediation meeting has occurred, regardless of the outcome. | 107 |
| (ii) Of those in 5.1(i), please state the number of cases which were followed by appeals to the Tribunal.  | 15  |

#### **Item 6.1 Designated Medical Officer**

**Does your local authority area have a Designated Medical Officer (DMO) in place on 16 January 2020?** Yes  
Yes / No / Recruitment in progress

#### **Item 6.2 Designated Clinical Officer**

**Does your local authority area have a Designated Clinical Officer (DCO) in place on 16 January 2020?** Yes  
Yes / No / Recruitment in progress

#### **Item 6.3 DMO/DCO Function**

**Is the function of the DMO or DCO carried out by another member of staff on 16 January 2020?** No  
Yes / No

# City Council – 13 April 2021

## SEN2 (2021) Form

Census date: 14 January 2021

### Overview

The information collected via the annual SEN2 survey form provides the major source of data collected on children and young people with Education, Health and Care (EHC) plans. It is the only source of data on the totality of EHC plans maintained by individual local authorities.

Without this information it would be very difficult for Ministers, Parliament, central and local government, external organisations and the public at large to monitor government policies and their effectiveness, and to see how many children and young people with EHC plans there are in individual local authorities.

Local Authority Number	1	330
Completion time:	2	70
Amount of time spent completing this form (to the nearest hour)		
Contact forename:	2A	Saadhia
Contact surname:	2B	Kamran
Telephone number:	2C	7864927227
Email address:	2D	saadhia.kamran@birmingham.gov.uk

### PART 1: Education arrangements for all children and young people for whom the authority maintains an Education, Health and Care (EHC) plan.

- 1.1 Please state the number of children and young people as at 14 January 2021, for whom the authority maintains an Education, Health and Care (EHC) plan under the Children and Families Act 2014.

The age breakdown refers to age as at 31 August 2020.

- a. Under age 5
- b. Aged 5 to 10
- c. Aged 11 to 15
- d. Aged 16 to 19
- e. Aged 20 to 25
- f. TOTAL (a + b + c + d + e)

3	307
4	3080
5	3352
6	2502
7	698
8	9939

## City Council – 13 April 2021

1.2 a Of the children and young people entered in 1.1, please state the number:

(i)	On the roll of the following establishments. This should be the type of establishment named on the EHC plan. Include children and young people whose EHC plan is under appeal.	
a.	Non-maintained early years settings in the private and voluntary sector	9 <input type="text" value="20"/>
b.	Mainstream school: LA maintained (including foundation schools)	10 <input type="text" value="1189"/>
c.	Mainstream school: LA maintained (SEN Unit)	11 <input type="text" value="0"/>
d.	Mainstream school: LA maintained (resourced provision)	12 <input type="text" value="452"/>
e.	Mainstream school: academy	13 <input type="text" value="553"/>
f.	Mainstream school: academy (SEN Unit)	14 <input type="text" value="0"/>
g.	Mainstream school: academy (resourced provision)	15 <input type="text" value="167"/>
h.	Mainstream school: free school	16 <input type="text" value="59"/>
i.	Mainstream school: free school (SEN Unit)	17 <input type="text" value="0"/>
j.	Mainstream school: free school (resourced provision)	18 <input type="text" value="0"/>
k.	Mainstream school: independent school	19 <input type="text" value="192"/>
l.	Special school: LA maintained (including foundation schools)	20 <input type="text" value="2797"/>
m.	Special school: academy/free	21 <input type="text" value="1609"/>
n.	Special school: Non-maintained	22 <input type="text" value="7"/>
o.	Special school: Independent special schools	23 <input type="text" value="181"/>
p.	AP/PRU: LA maintained	24 <input type="text" value="22"/>
q.	AP/PRU: Academy	25 <input type="text" value="0"/>
r.	AP/PRU: Free school	26 <input type="text" value="6"/>
s.	Hospital schools (including foundation schools)	27 <input type="text" value="0"/>
t.	Post 16: General FE and tertiary colleges/HE	28 <input type="text" value="880"/>
u.	Post 16: Other FE	29 <input type="text" value="45"/>
v.	Post 16: Sixth form college	30 <input type="text" value="0"/>
w.	Post 16: Specialist post-16 Institutions	31 <input type="text" value="444"/>
(ii)	Total of 1.2 a (i)	32 <input type="text" value="8623"/>
(iii)	Educated elsewhere	
a.	pupils permanently excluded at 14 January 2021 and not yet placed elsewhere	33 <input type="text" value="0"/>
b.	other - arrangements made by the LA in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014	34 <input type="text" value="45"/>

NOTE: Include children and young people who are within Secure units or Young offenders institutions within 1.2 (iii) (b)

c.	Elective home education – the number of children with EHC plans who are subject to elective home education	35	<input type="text" value="58"/>
d.	other – arrangements made by parents in accordance with Section 7 of the Education Act 1996, excluding those who are subject to elective home education	36	<input type="text" value="1"/>
NOTE: Children and young people who are applicable to (c) should not also be counted in (d)			
e.	Awaiting provision – children below compulsory school age (aged under 5) who are attending an education setting and have been issued an EHC plan but are awaiting placement in another setting	37	<input type="text" value="26"/>
f.	Awaiting provision – children of compulsory school age (aged 5 to 15) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	38	<input type="text" value="125"/>
g.	Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting	39	<input type="text" value="0"/>
h.	Awaiting provision – children below compulsory school age (aged under 5) who are not attending any education setting and have been issued an EHC plan but are awaiting placement	40	<input type="text" value="10"/>
i.	Awaiting provision – children of compulsory school age (aged 5 to 15) who are not attending any education setting and have been issued an EHC plan but are awaiting placement	41	<input type="text" value="129"/>
j.	Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are not in an education setting and have been issued an EHC plan but are awaiting placement	42	<input type="text" value="26"/>
k.	NEET – Young people who have an EHC plan but are not in employment, education or training	43	<input type="text" value="896"/>
l.	Other – Including those who have been issued a notice to cease (for example, after taking up of employment) and the decision is currently subject to an appeal to the Tribunal	44	<input type="text" value="0"/>
1.2 b Of the young people entered in 1.1, please state the number undertaking:			
a.	Apprenticeships	45	<input type="text" value="0"/>
b.	Traineeships	46	<input type="text" value="0"/>
c.	Supported Internships	47	<input type="text" value="0"/>

## City Council – 13 April 2021

1.2 c Of all children and young people with an EHC Plan at 14 January 2021, how many were placed in residential special schools or colleges:

The age breakdown refers to age as at 31 August 2020

(i) 38 to 51 weeks per year

- a. Under age 5
- b. Aged 5 to 10
- c. Aged 11 to 15
- d. Aged 16 to 19
- e. Aged 20 to 25
- f. TOTAL (a + b + c + d + e)

48	0
49	0
50	3
51	2
52	0
53	5

(ii) 52 weeks per year

- a. Under age 5
- b. Aged 5 to 10
- c. Aged 11 to 15
- d. Aged 16 to 19
- e. Aged 20 to 25
- f. TOTAL (a + b + c + d + e)

54	0
55	0
56	2
57	6
58	2
59	10

**PART 2: New Assessments and placements by the local authority during the 2020 calendar year.**

2.1 Please state the number of children and young people for whom an Education, Health and Care (EHC) plan under the Children and Families Act 2014 was made for the first time during the 2020 calendar year.

The age breakdown refers to age as at 31 August 2020.

**NOTE:** These do not include reassessments of EHC plans.

Please refer to the guide for information on transfers between local authorities.

- a. Under age 5
- b. Aged 5 to 10
- c. Aged 11 to 15
- d. Aged 16 to 19
- e. Aged 20 to 25
- f. TOTAL (a + b + c + d + e)

60	228
61	329
62	188
63	55
64	2
65	802

## City Council – 13 April 2021

2.2 a Of the children and young people entered in 2.1, please state the number:

(i)	On the roll of the following establishments. This should be the type of establishment named on the EHC plan. Include children and young people whose EHC plan is under appeal.	
a.	Non-maintained early years settings in the private and voluntary sector	66 18
b.	Mainstream school: LA maintained (including foundation schools)	67 241
c.	Mainstream school: LA maintained (SEN Unit)	68 0
d.	Mainstream school: LA maintained (resourced provision)	69 40
e.	Mainstream school: academy	70 98
f.	Mainstream school: academy (SEN Unit)	71 0
g.	Mainstream school: academy (resourced provision)	72 13
h.	Mainstream school: free school	73 4
i.	Mainstream school: free school (SEN Unit)	74 0
j.	Mainstream school: free school (resourced provision)	75 0
k.	Mainstream school: independent school	76 19
l.	Special school: LA maintained (including foundation schools)	77 107
m.	Special school: academy/free	78 66
n.	Special school: Non-maintained	79 1
o.	Special school: Independent special schools	80 9
p.	AP/PRU: LA maintained	81 20
q.	AP/PRU: Academy	82 0
r.	AP/PRU: Free school	83 4
s.	Hospital schools (including foundation schools)	84 0
t.	Post 16: General FE and tertiary colleges/HE	85 20
u.	Post 16: Other FE	86 2
v.	Post 16: Sixth form college	87 0
w.	Post 16: Specialist post-16 Institutions	88 8
(ii)	Total of 2.2 a (i)	89 670
(iii)	Educated elsewhere	
a.	pupils permanently excluded at 14 January 2021 and not yet placed elsewhere	90 0
b.	other - arrangements made by the LA in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014	91 5

NOTE: Include children and young people who are within Secure units or Young offenders institutions within 1.2 (iii) (b)

- c. Elective home education – the number of children with EHC plans who are subject to elective home education 92
- d. other – arrangements made by parents in accordance with Section 7 of the Education Act 1996, excluding those who are subject to elective home education 93
- NOTE: Children and young people who are applicable to (c) should not also be counted in (d)
- e. Awaiting provision – children below compulsory school age (aged under 5) who are attending an education setting and have been issued an EHC plan but are awaiting placement in another setting 94
- f. Awaiting provision – children of compulsory school age (aged 5 to 15) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting 95
- g. Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting 96
- h. Awaiting provision – children below compulsory school age (aged under 5) who are not attending any education setting and have been issued an EHC plan but are awaiting placement 97
- i. Awaiting provision – children of compulsory school age (aged 5 to 15) who are not attending any education setting and have been issued an EHC plan but are awaiting placement 98
- j. Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are not in an education setting and have been issued an EHC plan but are awaiting placement 99
- k. NEET – Young people who have an EHC plan but are not in employment, education or training 100
- l. Other – Including those who have been issued a notice to cease (for example, after taking up of employment) and the decision is currently subject to an appeal to the Tribunal 101

2.2 b Of the young people entered in 2.1, please state the number undertaking:

- a. Apprenticeships 102
- b. Traineeships 103
- c. Supported Internships 104

## City Council – 13 April 2021

- 2.3 Please state the number of children and young people assessed under Section 36 of the Children and Families Act 2014 for whom it was decided not to issue an EHC plan during the 2020 calendar year.

105

**NOTE:** Do not include children and young people who are still being assessed or those where assessment has been completed by 14 January 2021 but no decision taken on whether to issue an EHC plan. Do not include reassessments of statements or EHC plans; or transitions from statements to EHC plans.

- 2.4 Please state the number of children and young people assessed for an EHC plan during the 2020 calendar year who are still being assessed or where assessment has been completed by 14 January 2021 but no decision taken for an EHC plan.

106

**NOTE:** These do not include: reassessments of EHC plans; or transitions from statements to EHC plans.

- 2.5 Please state the number of initial requests for assessment for an EHC plan that were refused during the 2020 calendar year.

107

**NOTE:** These do not include: reassessments of EHC plans; or transitions from statements to EHC plans.

Please also include cases where the initial request for assessment was made during 2019, but the request was refused during 2020.

- 2.6 For children and young people with an EHC plan made prior to 1 January 2020:

a. Please state the number of children who transferred during the 2020 calendar year:

i. from mainstream settings to special settings

108

ii. from special settings to mainstream settings

109

b. Please state the number, during the 2020 calendar year, who were taken out of school by their parents to be home educated:

i. from mainstream settings

110

ii. from special settings

111

**NOTE:** Only include in year transfers and not end of academic year phase transfers.

Mainstream settings refer to the establishment types (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (p), (q), (r), (s), (t), (u), (v) and special settings refer to the establishment types (l), (m), (n), (o), (w), detailed in Item 1.2a.



## City Council – 13 April 2021

2.7 Please state the number of EHC plans that have been reviewed and discontinued in the 2020 calendar year. Only include children of compulsory school age.

For pupils who have:

- |    |   |     |                                  |
|----|---|-----|----------------------------------|
| a. | Transferred to another LA                   | 112 | <input type="text" value="160"/> |
| b. | Special needs being met without an EHC plan | 113 | <input type="text" value="2"/>   |
| c. | Other                                       | 114 | <input type="text" value="17"/>  |

**NOTE:** Please do not include pupils whose statement was assessed for an EHC plan (whether an EHC plan was issued or not) or whose statement/ EHC plan has ended because they have left school at the end of compulsory schooling. Please see the guide for a link to school leaving age information.

2.8 Please state the number of EHC plans that have been discontinued in the 2020 calendar year because pupils have left school at the end of compulsory schooling or after.

115

2.9 Please state the number of initial requests that were made for assessment for an EHC plan during the 2020 calendar year.

116

**NOTE:** These do not include: reassessments of EHC plans; or transitions from statements to EHC plans.

2.10 Please state the number of initial requests for assessments for an EHC plan during the 2020 calendar year that were made when the child or young person was detained in relevant youth accommodation.

117

**NOTE:** Relevant youth accommodation includes Young Offenders Institutions, Secure Training Centres and Secure Children's Homes.

### **PART 3: Education, Health and Care plans issued within 20 weeks**

Data should only cover EHC plans issued for the first time (not reassessments) in the 2020 calendar year.

Please refer to Annex B of the guide for details of exceptions to the time limits.

Please refer to guide for information on transfers between local authorities.

3.1 Please state for the 2020 calendar year:

- |    |  |     |                                  |
|----|--|-----|----------------------------------|
| a. | the total number of EHC plans issued including exception cases                     | 118 | <input type="text" value="802"/> |
| b. | of which, the number of EHC plans including exception cases issued within 20 weeks | 119 | <input type="text" value="388"/> |

3.2 Please state for the 2020 calendar year:

- |    |  |     |                                  |
|----|--|-----|----------------------------------|
| a. | the total number of EHC plans issued excluding exception cases                     | 120 | <input type="text" value="632"/> |
| b. | of which, the number of EHC plans excluding exception cases issued within 20 weeks | 121 | <input type="text" value="252"/> |

# City Council – 13 April 2021

## PART 4: Number of personal budgets and direct payments

4.1 Please state the number of personal budgets in place for all EHC plans as at 14 January 2021.

122

**NOTE:** Please record the number of personal budgets for EHC plans maintained at the census date. This item replaces the number of EHC plans issued or reviewed during the year as per previous years collections.

4.2 Of those in 4.1, please give the number of personal budgets that have:

a. organised arrangements where the local authority or partner retains the funding and commissions the support specified in the plan (sometimes called notional arrangements)

123

b. direct payments (including payment to nominees and third parties) and whether these are for:

i. education

124

ii. social care

125

iii. health

126

iv. integrated payment for a combination of the above

127

**NOTE:** A personal budget can be a mixture of organised arrangements and direct payments. Such cases should be counted under both 4.2a and 4.2b. Therefore it is possible for the sum of 4.2a and 4.2b to be greater than 4.1.

## PART 5: Effectiveness of mediation

5.1 (i) Please state for the 2020 calendar year, the number of mediation cases that have been held i.e. where a mediation meeting has occurred, regardless of the outcome.

128

(ii) Of those in 5.1 (i), please state the number of cases which were followed by appeals to the Tribunal.

129

## PART 6: Designated Medical / Clinical Officer (DMO / DCO)

6.1 Does your local authority area have a Designated Medical Officer (DMO) in place on 14 January 2021?

(i) Yes

\*Yes/No/Recruitment in progress Drop Down

130

(ii) No

130

(iii) Recruitment in progress

130

6.2 Does your local authority area have a Designated Clinical Officer (DCO) in place on 14 January 2021?

(i) Yes

\*Yes/No/Recruitment in progress Drop Down

131

(ii) No

131

(iii) Recruitment in progress

131

6.3 Is the function of the DMO/DCO carried out by another member of staff on 14 January 2021?

(i) Yes

\*Yes/No Drop Down Box

132

(ii) No

132

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR DAVID BARRIE**

**B16     Company Sole Trader**

**Question:**

**In Question B10 of 23rd February 2021, you failed to provide details of the Company/Sole Trader you have paid for services, using the High Needs Block money. As per question A5 & A6, 23rd February 2021, please provide details of the Company/sole trader; total spend; and if the supplier is based in Birmingham. Detail the spend since September 2019**

**Answer:**

As per the answer provided in February 23<sup>rd</sup> and the further requirement for the company information please see below a table of the providers and the registered company address, along with the total spend:

Agency	Spend	Confirmed Address
Baltimore	£745,240	PS21, 21 Princes Street, Bristol, BS1 4PH
Education Futures	£48,322	19 New Street, Horsforth, Leeds, LS18 4BH
Hays	£135,815	1 Colmore Square, Birmingham, B4 6AJ
Lords	£570,650	Crown House, The Square, Alvechurch, Birmingham B48 7LA
Panoramic	£1,368,785	St Bartholomew's House, Lewins Mead, Bristol, BS1 2NH
Penna	£0	2 <sup>nd</sup> Floor, 10 Bishops Square, Spitalfields, London, E1 6EG
Smart Education	£95,333	1-3 The Courtyard, Calvin Street, Bolton, BL1 8PB
Spencer Clarke	£136,675	11 Bartle Court Business Centre, Rosemary Lane, Preston, PR4 0HF
Venn Group	£35,126	Waterloo House, 20 Waterloo Street, Birmingham, B2 5TB

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR ALEX YIP**

**B17    EHCP'S Reviews and Placements**

**Question:**

**Please provide details of the EHCPs Reviews and Placements that have been undertaken for the students that were on the roll at Hunters Hill College as of September 2020. Include the current provision they are receiving.**

**Answer:**

There were 85 students on roll at Hunters Hill College as at September 2020. This number has since reduced to 71. The 14 students that have come off roll in the intervening period have all had their EHCP reviews undertaken and moved to permanent placements elsewhere – either in local authority maintained provision (Lindsworth School), independent provision (VASE), or provision sourced by their home local authorities where they are not the responsibility of Birmingham.

The school carried out outstanding Annual Review meetings for the students currently on roll by a deadline of 31 March 2021. Paperwork is being submitted to the LA to enable all remaining Annual Review processes to be completed ready for the permanent change of placements required as a result of the decision to close the school at the end of this academic year.

Of the 71 students currently on roll, interim placements have been confirmed for 53 in response to the more recent temporary closure of the school site. These interim placements have been sourced via maintained, free school, independent and alternative providers. For the remaining 18 (two in Year 9, four in Year 10 and the remaining 12 in Year 11), appropriate interim provision is being discussed with students and families and they are currently being provided with remote education from Hunters Hill.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR DAVID PEARS**

**B18     SEND Interim and Agency Workers**

**Question:**

**Please provide a breakdown of the SEND interims and SEND agency workers who have been working on any SEND related activity, since 1st September 2019, specifying how many of these have had their DBS status vetted and how many have completed the City Council's Mandatory training, including GDPR training.**

**Answer:**

All the interim staff and agency workers that are completing work related to SEND are undertaking non-regulated activity and are therefore not required to have an Enhanced DBS check. At any point should the work they do become regulated activity, they will be subject to Enhanced DBS checks through the DBS update service in line with BCC policy.

The interim and agency staff working on SEND activity are currently in the process of completing BCC's mandatory training.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
WELLBEING FROM COUNCILLOR BOB BEAUCHAMP**

**B19    DPS**

**Question:**

**When the DPS was signed, what was added into the contract at that point before signing to address the concerns of the Audit report into home to school transport? The existence of which was already known within the Council.**

**Answer:**

Documents on the DPS were uploaded at the start of October 2019 which included the Terms and Conditions of the DPS.

Recommendation 4 was included in the Deed of Variation referred to in the response to B1.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING  
FROM COUNCILLOR MORRIAM JAN**

**B20    Self-Harm**

**Question:**

**The rate of self-harm among young children in the UK has doubled over the last six years, according to a new analysis with the number of children aged nine to 12 admitted to hospital having hurt themselves intentionally rising from 221 in 2013/14 to 508 in 2019/20. Could the Cabinet Member give details of how this sensitive issue will be tackled by the City?**

**Answer:**

Thank you for the question. This is indeed a sensitive issue.

The Children's Trust has not yet seen a rise in referrals for its services where self-harm is the key factor. But it is widely accepted that the last 12 months have put particular strain on the emotional health of many young people.

The online mental and emotional health tool, called Kooth, has been rolled out and has been accessed by over 5000 young people across the city. In addition, the Stick programme, providing emotional and mental health support to children and young people in our schools, is expanding. This is delivered by Forward Thinking Birmingham

Our Early Help offer is also increasing, wrapping support earlier around young people, and providing 'teams around schools' to support them to meet the needs of their young people.

All of these developments, plus the great work being done in our schools and across our services mean we are as well placed as we can be to respond to any rises we see in self-harm among our young people.

# B21

CITY COUNCIL – 13 APRIL 2021

## WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING FROM COUNCILLOR JON HUNT

### B21 Children in Care

#### Question:

The Government has recently announced children in care under the age of 16 will not be placed in unregulated accommodation from September which could create a “two-tier” system, with over 16s left neglected and unprotected. Although the move to increase children’s home provision was a positive step, this funding would not be available immediately so could the Cabinet Member provide details of how this issue is going be addressed by the City?

#### Answer:

The term unregulated placement refers to those residential settings that are not inspected by OFSTED. These providers will in the main offer supported accommodation to young people over the age of 16. It is lawful for young people over 16 to live within these settings and many providers across the city are well known to the City Council and offer high quality provision. St Basils for example is a reputable provider in the city of supported accommodation.

There is a Regional Supported Accommodation framework in place. Providers have been through due diligence as part of the tender process and have to meet quality thresholds in order to join the framework and this provides assurance of all of the providers that are used.

It is therefore not the case that children over 16 will be left neglected and unprotected as the provision that is commissioned is quality assured. The main difference is the age at which the accommodation is suited. For children over 16 they require support, for those under 16 they require care. It is the providers of care that are currently regulated via Ofsted. The new law seeks to sanction against children under 16, requiring care, being placed in a supported living environment.

It is already an existing policy within the Children’s Trust not to place children under 16 in supported accommodation. In the rare, emergency situations where this has occurred the provision used has been robustly quality assured and then monitored, while an appropriate alternative placement is sourced.

In order to strengthen the Trust position, an analysis of sufficiency has been undertaken that describes the provision required across the city. This has driven a number of initiatives that are underway including –

- A market development exercise that will build and secure exclusive access to emergency regulated provision



- The development of a specialist facility to provide urgent residential care for young people with mental health issues
- A Trust-run, registered emergency care provision for children 11-16.

These developments were underway prior to the proposed changes in legislation.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS  
& CULTURE FROM COUNCILLOR ROGER HARMER**

**C1     Learning Loss**

**Question:**

**It has been recently reported in the Guardian that Year 1 pupils at primary schools in England have been the worst affected by learning loss due during the COVID-19 pandemic with over 1.5 million pupils nationally experiencing a steep drop in reading, writing and maths levels compared to expectations at the end of last summer. Could the Cabinet Member explain fully how this deficit will be addressed within City schools?**

**Answer:**

Staff in schools across the city have shown tremendous commitment to their pupils and have worked hard to ensure that children were able to access education throughout the periods of lockdown.

However, I have huge concerns about the impact of the pandemic on children and young people, particularly the most vulnerable and those from disadvantaged backgrounds. Studies are also showing that the youngest pupils were the slowest to catch up when schools fully reopened.

Schools are making use of government catch-up funding and are putting in place targeted support for pupils. Schools have been using the guide published by the Education Endowment Foundation for evidence-based approaches to catch up for all students and we have also been encouraging take up of the National Tutoring Programme by schools in Birmingham.

Approaches taken by schools in Birmingham include providing catch-up sessions and masterclasses for pupils, holding before and after school tuition session as well as specific interventions for pupils who need additional support.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS  
& CULTURE FROM COUNCILLOR JON HUNT**

**C2     Pupil Premium**

**Question:**

**There has been a move by the Government to change the date of the school census, which is used to calculate the pupil premium. This will have an adverse effect on the number of children in families receiving the means-tested benefits, with the census being taken before the end of furlough scheme, so those families that see their major bread winner made unemployed and are forced to go onto benefits will not be taken into account, meaning their schools will lose out on Pupil Premium money for them, not just this year but for six further years. Could the Cabinet Member give full details of how much our schools and local communities will lose by this back door cut in schools funding?**

**Answer:**

The Government has stated that it has changed the date of the school census used for calculating pupil premium from the January census count to the October census count.

This change brings pupil premium in line with how the rest of the core schools' budget is calculated.

It is true to say that this shift will miss those pupils in families that are subsequently made unemployed after the census date. However, it is incorrect to state that the October 2020 count occurred just before the end of the furlough scheme. The furlough scheme has been extended to September 2021.

It's also not currently possible to calculate by how much this shift in timing may detrimentally impact on funding levels - the DfE don't publish the details of the January school census as official statistics until the summer. However, if Pupil Premium had been calculated using January 2021 data rather than October 2020 data then we estimate that Birmingham schools would have received an additional £3.9 million in the 21/22 financial year.

Pupil premium funding is a much bigger factor in more disadvantaged areas, such as Birmingham (where 40% of pupils are eligible for some form of deprivation funding). When the official statistics are published (in the summer) we can then provide a more rigorous analysis.

It is not correct to say that schools will miss out for a further six years. Pupils recorded as eligible for free school meals at the time of the October census, or at any point in the previous six years, will continue to attract Ever 6 funding.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND  
RESOURCES FROM COUNCILLOR PETER FOWLER**

**D      Ernst And Young**

**Question:**

**Listed by year, how much money in total on anything have the Council spent with Ernst and Young since 2015, broken down by Directorate?**

**Answer:**

We have paid to date the following amounts per Directorate

Financial Year	Directorate	Spend to date incl VAT
2015-2016	Finance & Governance	£129,834
	Inclusive Growth	£348
2016-2017	Finance & Governance	£348
2017-2018	Finance & Governance	£232,800
2018-2019	Finance & Governance	£32,400
2019-2020		Nil Spend
2020-2021	Education & Skills	£204,000
	Total Spend	£599,730

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND  
SOCIAL CARE FROM COUNCILLOR ROGER HARMER**

**E1      Vaccine Hesitancy**

**Question:**

**Further to the success of the national vaccination campaign by the Government and NHS, could the Cabinet Member give an update of vaccine hesitancy in Birmingham, setting out if there have been any improvements among black and Asian communities in the city following recent national advertising and awareness campaigns?**

**Answer:**

I am acutely aware of vaccine hesitancy within our BAME communities and I continue to promote wherever possible and I know that colleagues across the Chamber continue to support efforts to increase vaccination take up.

The Covid vaccination roll out is led by the NHS and the Council has supported this through engagement, communication and where needed facilities and staff. The Council has supported the CCG by collaborating on a series of community webinars and live Question and Answer sessions chaired by myself and with support from our Director of Public Health and local GP's.

The Council has also supported the CCG in dissemination of vaccination information and awareness, including promoting translated materials on the Council website and media channels.

The Council works with the two local NHS clinical commissioning groups to publish weekly data on uptake across the city by ward, deprivation, gender and ethnicity through the CMIS platform under our Local Outbreak Engagement Board.

The latest reports are available at:

<https://birmingham.cmis.uk.com/birmingham/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/11697/Committee/415/Default.aspx>

Uptake has in general improved although there is still some way to go in some ethnic groups, particularly those with smaller populations where a small number of people make a large difference in the % coverage.

	Over 80yr olds		Count of eligible people un-vaccinated
	23/02	06/04	06/04
Not recorded	68.17%	69.7%	1,575
African	60.15%	65.5%	136
Any other Asian background	74.25%	80.0%	97
Any other Black background	65.59%	74.6%	99

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	Over 80yr olds		Count of eligible people un-vaccinated
Any other ethnic group	68.38%	74.9%	112
Any other mixed background	80.21%	81.9%	17
Any other White background	89.72%	92.9%	231
Arab	77.78%	71.9%	9
Bangladeshi or British Bangladeshi	68.48%	79.4%	109
British, Mixed British	93.83%	96.1%	1,961
Caribbean	66.64%	74.0%	892
Chinese	80.77%	82.0%	38
Indian or British Indian	86.40%	89.8%	324
Irish	91.77%	93.9%	141
Pakistani or British Pakistani	68.21%	77.0%	813
Traveller	0.00%	0.0%	0
White and Asian	68.75%	75.0%	8
White and Black African	66.67%	69.2%	12
White and Black Caribbean	65.74%	72.3%	69

Both CCGs are working with the Council to deliver local vaccine inequalities plans to address the gaps and this includes initiatives to increase clinical time for clinician conversations with patients who are uncertain, increasing pop-up and mobile vaccination clinics working with community organisations including faith settings and community groups and increasing the span of translated materials on vaccine information available.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND  
SOCIAL CARE FROM COUNCILLOR MORRIAM JAN**

**E2     Supermarket Visits**

**Question:**

**Could the Cabinet Member give an update on the work of officers visiting City Supermarkets to ensure they are Covid compliant, which was scheduled to start on 8 February 2021 and confirm if a report will be taken to the next Licensing and Public Protection Committee?**

**Answer:**

A report on this initiative was presented to the Local Outbreak Engagement Board on the 24<sup>th</sup> March by Enforcement (item 9).

<https://birmingham.cmis.uk.com/birmingham/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/11697/Committee/415/Default.aspx>

The Covid enforcement Supermarket project was undertaken between Monday 8th and Friday 19th February 2021

- In total 208 supermarkets were visited by officers as part of the project.
- A risk based approach was taken in the first week whereby visits were prioritised towards 15 wards with the highest infection rate per 100,000 with the majority of major supermarkets and independent supermarkets being inspected.
- The second week of the project the majority of the supermarkets within the remaining wards were inspected plus any missed from the 1st week (as well as urgent revisits).
- Supermarkets were rated using traffic light system. Green most or all controls in place, amber – some controls in place, red – little or no controls in place.
- Most Primary Authorities and Area Managers have welcomed the feedback and are keen to rectify any issues/take on board our recommendations.
- Most common issue were incorrect cleaning chemicals being available that were effective against COVID and allowing multiple households to shop together (inappropriately).
- Officers are currently working with all premises risk rated Amber and Red (17) during the project to improve mitigations against COVID and bring these premises up to a Green standard.

A report on this area will be presented to Licensing and Public Protection Committee

**CITY COUNCIL – 13 APRIL 2021**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND  
NEIGHBOURHOODS FROM COUNCILLOR BABER BAZ**

**F1      Cemeteries**

**Questions:**

**Data shows that one in four local authorities around the UK have 10 years or less before their existing council-owned cemeteries are full to capacity, while almost one in six have five years or less. Could the Cabinet member give full details of the City plans to counteract this?**

**Answer:**

The City Council has invested significantly in its cemeteries with the provision at Sutton New Hall. Further plans are being made with the proposed adoption of a service strategy which will outline the City Council's approach 2021-2036. This will include provision for providing cemetery capacity beyond 2036.

There is current capacity at Sutton New Hall Cemetery for approximately 11,000 graves, with the provision of a further 18 acres of cemetery land, which is currently farmland, that is part of the full planned development. The further development will require future capital funding in order to develop the drainage and road system to deem it suitable for burials in the future.

Kings Norton and Quinton Cemeteries also have land available to be developed in the future that will require capital funding for the development of their infrastructure.

The three cemeteries combined have enough land that, with ongoing development, is expected to provide burial space for the citizens of Birmingham for the next thirty to fifty years, dependent upon usage.



**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND  
NEIGHBOURHOODS FROM COUNCILLOR ROGER HARMER**

**F2      Kitchen and Bathroom Modernisations**

**Question:**

**How many kitchen and bathroom modernisations have been done on BCC owned homes each year for the past 10 years?**

**Answer:**

Year	Kitchen	Bathroom
2010-11	109	44
2011-12	788	406
2012-13*	n/a	n/a
2013-14	609	544
2014-15	303	306
2015-16	360	378
2016-17	789	704
2017-18	407	355
2018-19	609	513
2019-20	1015	507
2020-21	22	14

\*2012/13 Data is not available due to the change in contractual arrangements for Constructing West Midlands framework which resulted in a loss of data.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND  
NEIGHBOURHOODS FROM COUNCILLOR JON HUNT**

**F3      Cladding**

**Question:**

**It has been estimated 30,000 people in Birmingham are still living in buildings with potentially dangerous cladding with the Government saying it will cover the cost of removing cladding for buildings taller than 18 metres, but those living in shorter buildings will have to pay up to £50 per month to have it removed. Could the Cabinet Member give details of how the City plans to resolve this issue?**

**Answer:**

All BCC owned High-Rise Residential Blocks (HRRBs), regardless of height, have been assessed and where necessary remediation works have been completed or programmed with no additional funding provided from Central Government.

BCC has collated data on HRRBs over 18m in the private sector on behalf of MHCLG. The building owners have had the opportunity to apply for government funding to remediate dangerous cladding for buildings over 18m and to install alarms reducing the costs of waking watch. BCC has not been involved in identifying any residential buildings in the private sector under 18m.

The biggest issue for those residents lies at the hands of the government who we have consistently lobbied on behalf of leaseholders over the last year.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND  
NEIGHBOURHOODS FROM COUNCILLOR MORRIAM JAN**

**F4      Prospect Housing**

**Question:**

**It has been recently announced Prospect Housing, which currently provides accommodation for 1,600 people in Birmingham, is set to close down after the Regulator for Social Housing deemed it 'non-compliant'. Could the Cabinet Member provide a full update on progress and give assurances no vulnerable resident will be left homeless as a result of the closures?**

**Answer:**

We have been working with Prospect and the Regulator of Social Housing prior to and since the announcement that they (Prospect) will be going through a managed closure up to July of this year. We continue to liaise regularly with Prospect on the progress they are making with the transition of properties to other Registered Providers and they have provided details of all tenants potentially at risk including their needs assessments. Officers have been involved in detailed discussions with Prospect to mitigate against any impact on homelessness services.

As part of our current work on Exempt Accommodation we are progressing well with getting providers signing up to Birmingham's Quality Standards and will be looking to engage accredited providers to ensure there is enough 'quality' accommodation to meet the needs of those individuals requiring supported accommodation. This will help ensure that we have enough quality provision in the City and so reduce any negative impact of something like the Prospect closure.

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

**G1     Litter Picking**

**Question:**

**Could the Cabinet Member give details of how many street cleansing staff have been redeployed to refuse collection work, giving a full breakdown of the numbers by Depot, by month, since the start of the Pandemic?**

**Answer:**

With the current Pandemic in place we have used Street Cleansing staff to back up the refuse collection service to ensure that the refuse is collected in line with schedules. The amount of staff used has varied across depots and has been governed by the amount of staff that have had to self-isolate due to having symptoms or contacting the virus. Thankfully this has been very few in number as health and safety steps put in place at depots has meant that staff shortages have been kept to a minimum. There is a high proportion of agency staff currently within Street Cleansing and it is those staff that have been utilised to support refuse collections. Street Cleansing have also been used to collect side waste in roads at certain times over the last 12 months as and when required.

We do not have the breakdown of agency staff redeployed within the service to fully respond to the specific question.

Street Cleansing have also seen staff shortages during the last 12 months and this has also impacted on the service's ability to cover all work.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS  
FROM COUNCILLOR NEIL EUSTACE**

**G2     Public Rubbish Bins**

**Question:**

**Could the Cabinet Member give full details by ward of (a) all public waste bins that have been removed from city streets as well as (b) details of those public waste bins that have been installed in the City from 2019 onwards, explaining, if the information is not available, why?**

**Answer:**

The service, from an operational perspective, does not have the need to maintain a record of the number of bins removed nor the location from where they have been installed / removed. However, since 2018 596 public rubbish bins have been purchased and installed giving rise to an approximate total of 6,500 bins across the city.

The service is constantly reassessing priorities and need and if there are locations where the local bin requirement does need reassessment a manager would be available for a site visit.

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

**G3     Litter Picking**

**Question:**

**The Cabinet member has stated volumes of litter picked from the City's Parks, which has increased significantly. How much litter has been picked from the City's streets by month since the start of 2020?**

**Answer:**

We do not individually weigh waste specifically from litter picking on the city's streets as a separate waste stream. Please see the tonnages for Street Cleansing activity as a whole below.

	Street Cleansing – Dry (tonnes)	Street Cleansing – Wet (Road Sweepings) (tonnes)
Jan	1461.17	504.04
Feb	1182.69	1137.82
March	1150.75	273.62
April	1295.32	860.18
May	1370.84	448.44
June	1653.64	642.22
July	1622.36	506.32
Aug	1505.3	299.62
Sept	1518.2	127.44
Oct	1434.03	705.88
Nov	1463.09	986.58
Dec	1570.29	691.92
Jan	1244.05	519.26
Feb	1209.92	371.88
Est March	11952.3	600

Financial year-to-date (April 2020 to February 2021) street cleansing dry waste tonnages are 4% higher than the same period last year.

Year-to-date (April 2020 to February 2021) street cleansing wet (road sweepings) waste tonnages 5% lower than the same period last year. This figure fluctuates month to month as the individual loads are not weighed as inputs, but the tonnage is taken from the outputs of the wet bays at each of the three transfer stations to allow for water to be drained away before accurate recordings of the weights are taken.

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

**G4     Bulky Collections**

**Question:**

**Could the Cabinet Member provide full details of the number of bulk collections that have been requested, by Ward, and also the income these generated for the financial year 2020/21?**

**Answer:**

The quantity of bulky collections carried out between 1 April 2020 and 31 March 2021 by ward is shown in the table below. Note that this is not totally representative of a typical year as there were periods with no collections and periods where there were a reduced number of collection slots offered.

<b>Ward</b>	<b>Non-electrical collections</b>	<b>WEEE collections</b>	<b>Total collections</b>
Acocks Green	522	120	642
Allens Cross	161	38	199
Alum Rock	258	43	301
Aston	218	41	259
Balsall Heath West	174	56	230
Bartley Green	452	116	568
Billesley	277	79	356
Birchfield	128	34	162
Bordesley & Highgate	115	36	151
Bordesley Green	127	33	160
Bournbrook & Selly Park	251	71	322
Bournville & Cotteridge	275	85	360
Brandwood & Kings Heath	325	108	433
Bromford & Hodge Hill	357	80	437
Castle Vale	152	38	190
Druids Heath & Monyhull	131	39	170
Edgbaston	192	73	265
Erdington	442	99	541
Frankley Great Park	134	30	164
Garretts Green	238	51	289
Glebe Farm & Tile Cross	466	101	567
Gravelly Hill	198	47	245
Hall Green North	377	102	479
Hall Green South	123	36	159
Handsworth	129	30	159
Handsworth Wood	169	37	206
Harborne	338	108	446

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<b>Ward</b>	<b>Non-electrical collections</b>	<b>WEEE collections</b>	<b>Total collections</b>
Heartlands	173	34	207
Highters Heath	143	50	193
Holyhead	105	26	131
Kings Norton North	174	51	225
Kings Norton South	167	49	216
Kingstanding	423	95	518
Ladywood	187	37	224
Longbridge & West Heath	278	94	372
Lozells	105	20	125
Moseley	290	77	367
Nechells	136	33	169
Newtown	102	19	121
North Edgbaston	273	71	344
Northfield	148	51	199
Oscott	410	95	505
Perry Barr	318	73	391
Perry Common	271	45	316
Pype Hayes	310	70	380
Quinton	326	73	399
Rubery & Rednal	155	51	206
Shard End	279	67	346
Sheldon	410	106	516
Small Heath	183	55	238
Soho & Jewellery Quarter	288	64	352
South Yardley	198	54	252
Sparkbrook & Balsall Heath East	255	52	307
Sparkhill	267	64	331
Stirchley	183	59	242
Stockland Green	345	70	415
Sutton Four Oaks	208	41	249
Sutton Mere Green	242	55	297
Sutton Reddicap	221	47	268
Sutton Roughley	263	58	321
Sutton Trinity	214	44	258
Sutton Vesey	408	99	507
Sutton Walmley & Minworth	296	96	392
Sutton Wylde Green	172	40	212
Tyseley & Hay Mills	242	73	315
Ward End	164	35	199
Weoley & Selly Oak	398	116	514
Yardley East	207	60	267
Yardley West & Stechford	156	35	191

The charge for a bulky waste is £33 if booked online and £35 if booked via the contact centre. This charge can be for either or both bulky collections. The total amount of income received for the collections that took place between 1 April 2020 and 31 March 2021 was £588,791.



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

**G5     Public Rubbish Bins**

**Question:**

**Would the Cabinet Member give details of the number of public rubbish bins in the City by depot?**

**Answer:**

Public rubbish bins are not attributed to depots. Since 2018 596 public rubbish bins have been purchased and installed giving rise to an approximate total of 6,500 bins across the city.

The service is constantly reassessing priorities and need and if there are locations where the local bin requirement does need reassessment a manager would be available for a site visit.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND  
PARKS FROM COUNCILLOR KEN WOOD**

**G6     Litter Pick Central Reservations**

**Question:**

**How many staff did the Council have certificated to litter pick central reservations as of the 1st Jan 2021, including what percentage that made up of the total street cleansing workforce?**

Answer:

**Waste Management**

All Waste Management staff are trained to carry out operations including litter picks on central reservations.

Some roads require additional traffic management training to enable staff to close lanes or install other traffic measures to carry out work on the highway.

Due to Traffic Management qualification expiry in 2020 and the impact of Covid, there were 25 staff trained across the Waste Management Service as of the 1<sup>st</sup> January 2021. This represented 12.63% of the total Street Cleansing FTE workforce, although not all of the Street Cleansing roles are required to carry out this responsibility.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND  
PARKS FROM COUNCILLOR MATT BENNETT**

**G7     Litter Pick Central Reservations 2**

**Question:**

**How many staff did the Council have certificated to litter pick central reservations as of the 1st April 2021, including what percentage that made up of the total street cleansing workforce?**

Answer:

**Waste Management**

All Waste Management staff are trained to carry out operations including litter picks on central reservations.

Some roads require additional traffic management training to enable staff to close lanes or install other traffic measures to carry out work on the highway.

Due to traffic management qualification expiry in 2020 and the impact of Covid, there were 38 staff trained across the Waste Management Service as of the 1<sup>st</sup> April 2021. This represented 19.49% of the total Street Cleansing FTE workforce, although not all of the Street Cleansing roles are required to carry out this responsibility.

Further training sessions have been scheduled and the most recent was held on the 8<sup>th</sup> April 2021.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND  
PARKS FROM COUNCILLOR DEBBIE CLANCY**

**G8      Certification of Staff**

**Question:**

**How many staff have been certificated to litter pick central reservations each year since 2012?**

**Answer:**

All Waste Management staff are trained to carry out operations including litter picks on central reservations.

Some roads require additional traffic management training to enable staff to close lanes or install other traffic measures to carry out work in the highway.

The qualification prior to 2016 was: Signing, Lighting & Guarding with Scottish Qualification Authority (SQA) qualifications:

2012    43 trained (5 year expiration – expired in 2017)  
2013    18 trained (reduced to 3 year expiration – expired in 2016)

NHSS Lantra Qualifications/Awards Training with Up to Speed Training commenced from 2016. This reflects all with T1/T2 qualification:

2016    35 trained (2 year expiration – expiring 2018)  
2017    6 trained – in addition to the 35 in 2016 (2 year expiration – expiring 2019)  
2018    43 trained (2 year expiration, some of these were requalification and new participants – expiring 2020)  
2019    7 trained (requalification and 1 new. 2 year expiration, expires in 2021)  
2020    16 trained (requalification – expire in 2022)  
2021    15 trained so far up to 07/04/21 (6 to attend on 08/04) and currently arranging more to be trained May 2021 onwards.

Numbers fluctuate as people choose not to renew their qualification or leave the service.

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

**G9     Recycling Figures**

**Question:**

**Could the Cabinet Member give a full breakdown of recycling levels in the City from 2010 to 2020?**

**Answer:**

Please see the table below. Note that figures for 2020 have greatly been affected by the current pandemic.

**Table 1: The total amount of waste sent for reuse, recycling or composting**

Year	Total Waste Recycling (Weight in Tonnes)		
	Waste recycled or reused	Waste composting	Total household waste reused, recycled or composted
2010/11	67,634	63,367	131,001
2011/12	71,744	52,794	124,537
2012/13	66,195	63,840	130,035
2013/14	71,446	56,374	127,819
2014/15	69,233	42,359	111,593
2015/16	66,910	39,433	106,343
2016/17	68,438	42,592	111,030
2017/18	53,167	37,901	91,068
2018/19	58,286	41,405	99,692
2019/20	66,897	39,644	106,540
2020/21 (Estimated)	66,548	31,789	98,337

**Table 2: The amount of recycling collected directly from households**

Year	Kerbside Collected Recycling (Weight in Tonnes)				
	*Kerbside multi-material (bottles, cans & plastic)	Kerbside paper and card	Kerbside garden green waste	Total kerbside collected recycling	**Kerbside multi-material rejects (contamination)
2010/11	16,279	27,004	36,081	79,364	1,628
2011/12	16,297	25,202	31,718	73,217	1,630
2012/13	16,633	25,034	41,349	83,016	1,663
2013/14	17,690	22,577	35,937	76,204	1,919
2014/15	17,632	21,480	13,294	52,406	1,913
2015/16	23,358	23,440	15,493	62,291	2,534
2016/17	28,135	23,612	17,435	69,181	3,053
2017/18	21,466	16,995	16,156	54,618	1,680
2018/19	24,343	18,016	17,681	60,040	2,245
2019/20	28,190	17,837	17,967	63,995	2,646
2020/21 (Estimated)	33,962	17,094	18,954	70,010	6,167

\* This is the amount collected and sent to the recycling facility.

\*\*A proportion of the multi-material waste collected is unsuitable for recycling (contamination) and is rejected at the recycling plant

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

**G10     Sickness rates**

**Question:**

What have the sickness rates been for (a) Waste Management staff and (b) Council staff as a whole, by month, since the start of 2019?

**Answer:**

The table below shows the average sickness days per full time equivalent (fte) in that month, from January 2019 onwards.

Year	Month	Waste Management average sickness days per fte	BCC average sickness days per fte
2019	January	2.1	0.9
	February	2	0.9
	March	1.7	0.8
	April	1.5	0.7
	May	1.3	0.7
	June	1.4	0.7
	July	1.2	0.7
	August	1.1	0.7
	September	1	0.8
	October	1.3	0.9
	November	1.5	0.9
	December	1.5	0.9
2020	January	1.4	0.9
	February	1.4	0.8
	March	1.2	0.9
	April	1	0.8
	May	0.8	0.6
	June	0.6	0.6
	July	0.8	0.6
	August	0.9	0.6
	September	0.9	0.6
	October	1	0.7
	November	1.1	0.7
	December	1	0.7
2021	January	1.2	0.8
	February	1.1	0.7
	March	0.9	0.7

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

**H1     Potholes**

**Question:**

**Could the Cabinet Member give details of what's happening with Keir's interim contract including an update as to whether the company is on top of repairing potholes that blight our City's roads?**

**Answer:**

Birmingham Highways Ltd (BHL) has given notice to extend the interim contract between BHL and Kier Highways Ltd to 31 December 2021.

This is a step towards a longer extension (preferred by the council) that will be necessary to cover the period until long term arrangements are expected to be in place. A full explanation of this is provided in the Exempt Appendix (C) to Cabinet's decision of 16 March 2021.

With regard to Kier being "on top of repairing potholes", I have consistently been clear that there is no quick fix to this issue and that sustained investment over a number of years will be required to bring the council's roads to a stable and managed condition.

The council's approach is therefore twofold:

- i. A programme of investment in larger schemes to begin the rehabilitation of the city's roads; and
- ii. Smaller repairs, prioritised by risk, to ensure that roads are kept safe in the meantime.

A £50m programme is underway regarding the former and Kier is undertaking smaller repairs alongside this programme. This will continue to be the case until longer term arrangements are in place for maintenance and management.





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

**H2     Potholes**

**Question:**

**Could the Cabinet Member provide reassurances that the finance allocated by the Government to maintain the Cities roads is being ringfenced for highway repairs and not proportioned to other budgets?**

**Answer:**

I can confirm that since June 2010 as part of its business case for its Highway Maintenance and Management PFI contract:

- i. The council has ringfenced its revenue budget for Highway Maintenance and Management; and
- ii. The PFI grant from Government is added to this to provide the resources for the council's Highway Maintenance and Management PFI contracts.

This continues to be the case.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR NEIL EUSTACE**

**H3      2020/21 Highway Maintenance Works Programme**

**Question:**

**In June 2020, Highways issued Councillors with details of all the roads in their wards that would receive resurfacing work (2020/21 Highway Maintenance Works Programme). Could the Cabinet Member provide full details, by ward, of work that is outstanding from the original list as well as giving a estimation as to when this is likely to be completed?**

**Answer:**

The attached spreadsheet below shows the update of the 2020/21 Highway Maintenance Works Programme which provides the full details by ward with indicative implementation dates and actual completion dates.

Over the programme period several changes have been made due to Covid constraints and clashes with utilities, Commonwealth Games, the SPRINT project etc. The status of completion or deferment on each scheme has been captured on the 'Comments column' on the attached spreadsheet.

In summary, to date we have delivered 161 schemes (102 carriageway and 59 footway schemes). A further 25 schemes are being delivered on site.

There are a further 146 outstanding schemes which are to be delivered by end of July 2021 in line with the works programme submitted in June 2020. The deferred schemes (186 No) will be prioritised for completion as soon as possible in the next works programme commencing July 2021.

Full details are provided in the attached spreadsheet and with a summary given in table below.

<b>2021 Programme Scheme Status</b>	<b>No of schemes</b>
1. Schemes Completed	161
2. Ongoing/Live	25
3. Outstanding schemes to be delivered before July 21 as part of the current programme	146
4. Deferred due to be completed on the 2021/22 Works Programme.	186
<b>List of Sections in Programme</b>	<b>518</b>

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

**H4      Public Transport Issues**

**Question:**

**Members have been receiving more complaints from concerned citizens regarding the lack of social distancing on public transport, especially buses, now schools have fully reopened to pupils. Can the Cabinet Member feed back on concerns that he took to the West Midlands Bus Alliance and confirm what measures have been agreed to reinforce health and safety which will give passengers confidence in public transport?**

**Answer:**

Having taken concerns on social distancing on buses to the Bus Alliance, I am assured that there are sufficient controls in place to monitor and mitigate this issue with both operators and Transport for West Midlands (TfWM) as the Local Transport Authority.

The reports from bus operators through the West Midlands Alliance show that there is currently only a very small number of trips that are showing up as being at, or approaching, the revised capacity limits on buses.

The latest data shows that on Wednesday 7<sup>th</sup> April 2021 just 5 bus trips out of a total of over 13,000 had reached their capacity limit. However, it is recognised that the data isn't wholly reflective of the real world and isn't able to pick up local conditions such as fluctuations around busy local centres or major employers.

TfWM and bus operators, including National Express, are monitoring the data, undertaking local checks and monitoring passenger feedback to then take action where possible.

The options available include but are not limited to:

- Increasing the frequency of services to provide additional capacity.
- Introducing additional dedicated vehicles at peak times into identified hotspots.
- Deploying dynamic spare vehicles to provide immediate additional capacity where required.
- Providing passengers with accurate information to enable them to make the decision about the best time to travel when this is an option. This includes timetable information but also data on likely bus loadings at different times of day by route.

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

**H5     Birmingham Transport Plan**

**Question:**

**Could the Cabinet Member give full details of why the responses from the public consultation remain unpublished?**

**Answer:**

The end of the formal consultation period on the Birmingham Transport Plan (BTP) was impacted by the COVID-19 pandemic; as such, certain elements of the consultation are to be concluded in 2021. The results of the consultation are planned to be published alongside the final version of the BTP during the summer.

The small team responsible for the BTP have been deployed on other priorities during the last year including the Emergency Transport Plan; Active Travel Fund bidding, delivery and review; Reopening High Streets Safely Fund public realm programme; and preparations to support the hospitality sector as the current lockdown restrictions are eased from 12 April.

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

**H6     A457 Dudley Road Improvements”**

**Question:**

**Could the Cabinet Member comment on the increase in prudential borrowing attributed to this scheme and although there is a £16m gap in funding, include full details on how he sees both this sum and the increased prudential borrowing repaid?**

**Answer:**

In March 2021, Cabinet approved the revised Dudley Road proposals, which included delivery of advanced works at the Western Road junction, which expands and aligns with developer led proposals and avoids future abortive costs.

Following detailed design, the developer’s contribution to the Western Road junction has reduced by £0.200m resulting in a need to increase the overall amount of Prudential Borrowing (PB) required to deliver the entire scheme.

There is a requirement to complete delivery of the Western Road junction ahead of the Commonwealth Games so as to avoid major works on the highway during the event. In the absence of approved funding for the wider scheme, this has required PB to be brought forward in respect of an earlier expenditure profile, which is subsequently offset by a reduction in the amount of PB required in future years.

All PB required for the scheme will be repaid from Bus Lane Enforcement (BLE) net surplus income, which has been incorporated within the current BLE financial model and has been shown to be affordable.

It is planned to seek capital resources to deliver the wider scheme through the various relevant funding mechanisms for such projects announced by Government as part of the March budget.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ROBERT ALDEN**

**H7      CAZ Support Measures**

**Question:**

**As of the 1st April, listed by each category of grant/exemption etc of the CAZ support measures, how many applications for support have been received, how many approved, what is the value of them and what percentage of the available support for that category does that make up so far?**

**Answer:**

All information is at 08 April 2021

**LOCAL EXEMPTIONS (BY APPLICATION)**

<b>Scheme</b>	<b>No of accounts created*</b>	<b>No of applications approved</b>
<b>RESIDENT</b>	1270	718
<b>WORKER</b>	2818	928
<b>COMMERCIAL</b>	221	54
<b>RECOVERY</b>	41	70
<b>COMMUNITY USE</b>	68	11
<b>SHOWMANS' VEHICLES</b>	N/A	12

\* Accounts created has been used as a proxy for number of applications received as this is the start of the application process i.e. an applicant is required to create an 'account' on the exemption application system. It should also be noted that an applicant is able to create multiple accounts before submitting a final application with supporting evidence.

<b>Scheme</b>	<b>No of applications received</b>	<b>No of applications approved</b>	<b>Grant value awarded</b>	<b>% of grant funding</b>	<b>Expected lifetime of scheme*</b>
<b>Hackney carriage and private hire vehicles</b>	<b>1,718</b>	<b>816</b>	<b>£1.13m</b>	<b>7.5%</b>	<b>Up to 3 years</b>
<b>Heavy Duty Vehicle Fund</b>	<b>28</b>	<b>5</b>	<b>£0.285m</b>	<b>2.85%</b>	<b>Up to 3 years</b>

**City Council – 13 April 2021**

<b>Vehicle scrappage and travel credits**</b>	<b>131</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Up to 3 years</b>
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\* Indicative lifetime for the scheme. Actual duration will depend on how quickly the funds are exhausted.

\*\* Indicates expressions of interest in the scheme as it is not open for full applications. Eligible applicants to this scheme would also be eligible for the temporary worker exemption



**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DEIRDRE ALDEN**

**H8     Surface Replacing**

**Question:**

**What would the cost to the Council be of replacing the average 300m road surface with new surface?**

**Answer:**

There is no such thing as “the average 300m road surface”.

Highway maintenance costs vary greatly and depend on a number of factors (including, but not limited to):

- The condition of the road before treatment and type of treatment required (i.e. its depth and application method).
- The area of the road (i.e. length and width, including numbers of lanes).
- When the work can be carried out (due to the traffic classification of roads).
- Any specific requirements (e.g. other apparatus located in the section – powered apparatus, gullies, traffic control equipment, etc.).
- The physical layout of the road and the traffic management requirements (i.e. the number of junctions).
- The degree of risk that the contractor(s) are asked to take in respect of different elements of the works (e.g. design and delivery).

For this reason, tenders for works contain a number of different rates that apply to the particular circumstances involved

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

**H9      Costs of Surface Replacing**

**Question:**

**What would the cost be to the Council of replacing the road surface of the first 80m in a road then leaving 20m, then replacing the next 200m of a road?**

**Answer:**

The response to question H8 (Cllr Deirdre Alden) applies here:

Highway maintenance costs vary greatly and depend on a number of factors (including, but not limited to):

- The condition of the road before treatment and type of treatment required (i.e. its depth and application method).
- The area of the road (i.e. length and width, including numbers of lanes).
- When the work can be carried out (due to the traffic classification of roads).
- Any specific requirements (e.g. other apparatus located in the section – powered apparatus, gullies, traffic control equipment, etc.).
- The physical layout of the road and the traffic management requirements (i.e. the number of junctions).
- The degree of risk that the contractor(s) are asked to take in respect of different elements of the works (e.g. design and delivery).

For this reason, tenders for works contain a number of different rates that apply to the particular circumstances involved.

Additionally, the availability of funding to undertake maintenance needs to be taken into account.

The cost to the council of replacing an 80m section and a 200m section with a 20m section in between would therefore depend upon the specific circumstances applicable to the section.

If this relates to specific works, then if further detail can be provided on the specific section then an explanation can be provided as to the specific circumstances.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MAUREEN CORNISH**

**H10     Road Resurface**

**Question:**

**What percentage of a road would need resurfacing before it is cheaper to resurface the whole road?**

**Answer:**

The response to question H8 (Cllr Deirdre Alden) applies here:

Highway maintenance costs vary greatly and depend on a number of factors (including, but not limited to):

- The condition of the road before treatment and type of treatment required (i.e. its depth and application method).
- The area of the road (i.e. length and width, including numbers of lanes).
- When the work can be carried out (due to the traffic classification of roads).
- Any specific requirements (e.g. other apparatus located in the section – powered apparatus, gullies, traffic control equipment, etc.).
- The physical layout of the road and the traffic management requirements (i.e. the number of junctions).
- The degree of risk that the contractor(s) are asked to take in respect of different elements of the works (e.g. design and delivery).

For this reason, tenders for works contain a number of different rates that apply to the particular circumstances involved.

Additionally, the percentage of a road that needs resurfacing before it becomes cheaper to resurface the whole road therefore depends upon the condition and area of the road that is and is not proposed to be resurfaced.

This is not an exact science and is an exercise of judgement on the part of the designer. This exercise of judgement will take into account a number of factors, including anticipated deterioration, likely costs of maintaining and the availability of funding.

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

**H11    Vivacity Labs**

**Question:**

**Has Birmingham City Council used any of its cameras including traffic analysis cameras from Vivacity Labs to monitor social distancing?**

**Answer:**

**No.**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR JOHN LINES**

**H12    CAZ Cameras**

**Question:**

**What does the contract for the CAZ cameras allow for in terms of their conversion to alternative uses?**

**Answer:**

The cameras can only be used for their intended and consulted upon use, which is the enforcement of the Clean Air Zone. Any change or conversion to alternative uses would require formal consultation and appropriate decision making via the Council's gateway and related financial approval framework. This would include policy decisions if required.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR EDDIE FREEMAN**

**H13     Alternative Use**

**Question:**

**What discussions have the Council had regarding alternative uses for the CAZ cameras?**

**Answer:**

The Clean Air Zone programme is focused on ensuring the successful launch of the zone on 1 June 2021. As such, there are no current plans for possible alternative uses of the Clean Air Zone cameras beyond their immediate intended purpose i.e. the enforcement of the Clean Air Zone. As per the response to City Council question H12, any change or conversion to alternative uses would require formal consultation and appropriate decision making via the Council's gateway and related financial approval framework. This would include policy decisions if required.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MEIRION JENKINS**

**H14    Future Use**

**Question:**

**What plans have the council considered for future uses for the CAZ cameras?**

**Answer:**

The Clean Air Zone programme is focused on ensuring the successful launch of the zone on 1 June 2021. As such, there are no current plans for possible alternative uses of the Clean Air Zone cameras beyond their immediate intended purpose i.e. the enforcement of the Clean Air Zone. As per the response to City Council question H12, any change or conversion to alternative uses would require formal consultation and appropriate decision making via the Council's gateway and related financial approval framework. This would include policy decisions if required.

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

**H15    Capital Works 1**

**Question:**

**Please provide a list of capital works done in roads/pavements/street lights in 2020/21 including names of locations?**

**Answer:**

Please see the following tabs in the attached spreadsheet:

- Carriageway:                      CW & FW 2020-21 marked as CW in column A
- Footway:                      CW & FW 2020-21 marked as FW in column A
- Street Lighting:    SL 2020-21



**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DEBBIE CLANCY**

**H16    Capital Works 3**

**Question:**

**Please provide a list of capital works done in roads/pavements/street lights in 2018/19 including names of locations?**

**Answer:**

Please see the following tabs in the attached spreadsheet:

- Carriageway:                      CW 2018-19
- Footway:                      N/A
- Street Lighting:    SL 2018-19

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR CHARLOTTE HODIVALA**

**H17     Capital Spend**

**Question:**

**Listed by year since 2009/10, what is the total capital spend per financial year on improvements to roads, pavements and street lights?**

**Answer:**

Actual spend on capital improvements to roads, pavements and street lighting in 2009-10 and 1 April to 6 June 2010-11 was as follows:

- 2009-10: £8.778m
- 2010-11: £1.513m

It should be noted that:

- i. 2010-11 is a partial year from 1 April 2010 to 6 June 2010 because the council entered into its PFI contract on 7 June 2010.
- ii. As per the question, the above figures do not include all capital expenditure on highway infrastructure. Other assets such as drainage, Structures, Bridges and Tunnels and UTC / traffic signals have been excluded.

Since the Council entered into a PFI contract in June 2010 it has paid for highway maintenance and management services received under the contract via a single Unitary Charge payment. This payment covers the provision of all services under the contract, together with the cost to the Council's partner of managing and financing those services. It is not subdivided by service.

It is not therefore possible to separate the specific element that is capital from this Unitary Charge payment. A list of Unitary Charge payments by year since 2010-11 can be provided if requested.

Since June 2019 the Council has paid directly for capital expenditure by Birmingham Highways Ltd. For roads, pavements and street lighting this has been as follows:

- 2019-20 (partial year): Nil
- 2020-21: £15.540m

It should be noted that payment is for certified completed works and the 2020-21 figure includes works completed in 2019-20 that were paid for on certification in 2020-21.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR GARETH MOORE**

**H18    Capital Works 2**

**Question:**

**Please provide a list of capital works done in roads/pavements/street lights in 2019/20 including names of locations?**

**Answer:**

Please see the following tabs in the attached spreadsheet:

- Carriageway:                      CW & FW 2019-20 marked as CWP in column A
- Footway:                      CW & FW 2019-20 marked as FWP in column A
- Street Lighting:    SL 2019-20

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

**H19    Budgeted Capital Spend**

**Question:**

**What is the current budgeted capital spend on roads, pavements and street lights for 2021/22**

**Answer:**

Since the Council entered into a PFI contract in June 2010 it has paid for highways services received under the contract via a Unitary Charge payment. This payment covers the provision of all services under the contract, together with the cost to the Council's partner of managing and financing those services. The Council budgets for this Unitary Charge payment and it is not possible to separate the specific element that is capital from this.

The council budget for all services under the Unitary Charge for 2021-22 is £101.8m.

The 16 March 2021 decision by Cabinet acknowledged that investment in highway infrastructure must continue and was clear that proposals beyond June 2021 would need to be developed. Future proposals for capital expenditure on highway infrastructure will be brought forward to a future meeting of Cabinet for decision.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ADRIAN DELANEY**

**H20    CAZ Car Scrappage Scheme**

**Question:**

**Did you consider greater choice and finalising on more than one company for the position of Clear Air Zone car scrappage scheme partner?**

**Answer:**

The Clean Air Zone vehicle scrappage scheme partner was selected on its ability to provide applicants to the scheme with a wide choice of new and used vehicles (currently over 6,000 vehicles). All of these vehicles will meet the emission standards for the Clean Air Zone so would not be subject to the daily fee when the zone is launched on 1 June 2021.

The successful bidder was able to demonstrate a clear commitment to a high level of customer satisfaction and a robust scrappage process which will ensure that the most polluting vehicles are removed from the road.

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

**H21     Criteria**

**Question:**

**What criteria was used when choosing dealers for the position of the Clean Air Zone car scrappage scheme partner?**

**Answer:**

The following criteria were used to assess tenders in relation to the scheme, as published through an open tender process advertised to any interested party through the Official Journal of the European Union:

- Economic and financial standing of the bidding organisation(s)
- Technical and professional ability of the bidding organisation including relevant experience.
- Levels of insurance held (or to be obtained) by the bidding organisation(s).
- Service delivery and capacity of the bidding organisation(s) including how they would achieve the service requirements detailed in the specification, provision of compliant vehicles, the process for the scrappage of non-compliant vehicles, and business continuity plans.
- Organisation and resources to be made available by the bidding organisation(s), in relation to the scheme, including the delivery team structure, summary profiles of those involved and their relevant experience, and how changes to the delivery team would be managed.
- How customer satisfaction would be achieved by the bidding organisation(s) including a detailed 'customer journey' with timescales and narrative.
- Post contract award mobilisation and implementation by the bidding organisation(s), including a mobilisation plan for the delivery of the scheme in accordance with the contract including risk management, key milestones, supply chain requirements, marketing, and staff training.

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

**H22    Motor Dealers**

**Question:**

**How many motor dealers were considered for the position of Clean Zone scrappage scheme partner?**

**Answer:**

The opportunity to be considered for the scrappage scheme partner was advertised to any interested party through the Official Journal of the European Union (OJEU) as part of an open tender process. There were 10 expressions of interest in the opportunity and two bidders.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND  
ENVIRONMENT FROM COUNCILLOR EWAN MACKEY**

**H23     Social Distancing**

**Question:**

**Has Birmingham City Council used any of its cameras including traffic analysis cameras to monitor social distancing?**

**Answer:**

**No.**



**WRITTEN QUESTION TO THE CHAIR OF PLANNING COMMITTEE FROM  
COUNCILLOR PETER FOWLER**

**I      Peer Review**

**Question:**

**Please provide a copy of the Peer Review into Planning?**

**Answer:**

The report of the LGA PAS peer review carried out in November 2019 is available on the BCC website:

[https://www.birmingham.gov.uk/downloads/file/18735/birmingham\\_planning\\_peer\\_review\\_final\\_report](https://www.birmingham.gov.uk/downloads/file/18735/birmingham_planning_peer_review_final_report)

The latest report to committee on progress is available here:

<https://birmingham.cmis.uk.com/birmingham/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/11940/Committee/4/Default.aspx>





# **The Lord Mayor's Annual Report to Council**

## **May 2021**

## **Nature and Purposes of this Report**

This is the eighth annual report from the Lord Mayor and the principal purpose is to give an overall impression of the work that is carried out by the Lord Mayor, the officers of the Lord Mayor's Office and former Civic Heads. The report draws attention to the importance of this work for the Council and for the City as a whole. Communication is vital in achieving a strong and positive understanding of the role of the Lord Mayor's Office.

The substantive sections of the report are:

1. *The Fourth Function* - setting out the context, history, attributes and perceptions of the Lord Mayoralty.
2. *The Duties of the Lord Mayor* - illustrating the wide variety of roles, responsibilities and assignments undertaken.
3. *Other Civic Positions* - explaining the roles of the Lord Mayor's Consort, Deputy Lord Mayor and Lord Mayor's Deputies.
4. *Mayoral links with the Magistracy and Judiciary.*
5. *The Lord Mayor and Voting.*
6. *The Selection of Lord Mayors.*
7. *The Mayoral Years 2019/21.*
8. *Further Information.*

## **Appendices:**

*Lord Mayoral Protocol.*

*The Senior Officer Position in the Lord Mayor's Office.*

*The Lord Mayor's Award.*

*Related Offices and Freedoms.*

*The Lord Mayor's Charity.*

*Civic Insignia.*

## **1. The Fourth Function**

In addition to the Full Council itself, there are four, rather than the sometimes quoted three, principal areas of municipal function. These are Executive, Regulatory, Scrutiny and Civic. The fourth of these, which is delivered through the Lord Mayor's Office, arguably has the longest tradition and is the most widely recognised by our citizens. However, it is perhaps less well recognised in parts of the City Council itself.

Birmingham is the largest local authority in Europe and the Civic function of the Council should be commensurate with this status. The underlying objective of the Lord Mayor's Office is serving the people of Birmingham and, within the bounds defined by law and the provisions of the Council's constitution, interpreting the role of Lord Mayor in the context of Birmingham, its values, heritage, customs, practices and civic tradition and upholding the broad and lasting interests of the wider council, our communities and our citizens as a whole.

The Civic Office carries out a wide range of public duties on behalf of the Council and the people of Birmingham. While there are great variations in roles, the concept of 'Mayor' is recognised throughout the country and indeed worldwide. Thus, the Lord Mayor has many occasions on which to promote the image and importance of Birmingham in both a regional, national and international context should opportunity be taken of this.

The principal function of the Civic Office is to serve and to represent. The Lord Mayor and civic dignitaries are the representative face of Birmingham and promote the city locally, nationally and internationally. The tradition, standing and impartiality of the office of Lord Mayor help to transcend barriers; and the Lord Mayor represents the Birmingham community at formal ceremonies and on both joyous and tragic occasions.

Members of the City Council are used to serving all their constituents regardless of political support, but the Lord Mayor belongs to the public as a whole in an even more fundamental way due to the extent of the Lord Mayor's contact with communities across the city.

The Lord Mayor is politically neutral - the First Citizen being above political controversy. This is a vitally important aspect of the role and it is one that distinguishes the Lord Mayor from executive Mayors (directly elected Mayors).

The office of Mayor, together with the Domesday Book and the Feudal System, were brought to this country by the Normans. In continental Europe the office has existed since at least the fifth century.

The right to appoint a Lord Mayor is a relatively rare honour that is even less frequently bestowed than city status. Currently, 23 cities in England have Lord Mayors: Birmingham, Bradford, Bristol, Canterbury, Chester, Coventry, Exeter, Kingston-upon-Hull, Leeds, Leicester, Liverpool, the City of London, Manchester, Newcastle upon

Tyne, Norwich, Nottingham, Oxford, Plymouth, Portsmouth, Sheffield, Stoke-on-Trent, the City of Westminster and York.

The role of the Chairman of a District Council is the same as the Mayor of a Borough Council, and they have the same status as first citizen, after the Sovereign, in their district.

While in other countries the role of Mayor may have more formal powers than here, most Lord Mayors refer to the esteem in which the role is held by the general public. This stems in part from history - in the 17<sup>th</sup> and 18<sup>th</sup> centuries formal mayoral power was considerable.

The office has a central part to play in modern councils and modern society and arguably a growing one. Part of this role is as a result of the traditions it inherits. The First Citizen in any community is in a special position, and a lot of the prestige associated with the role is bound up in the traditions and ceremony that surround the Mayoralty.

The dignity of the office of Lord Mayor is protected by a time-honoured range of protocols and customs and in taking on the role, a Councillor is becoming part of this City's long history of local democratic institutions. It goes without saying that the office of Lord Mayor is immeasurably more important than the individual occupying the position. People expect that the First Citizen in their community will be shown the greatest respect. The protocols are shown in Appendix 1.

The Lord Mayor's impartiality and the avoidance of contentious issues in public discussion is essential if he / she is to represent the citizens of Birmingham as a whole. The taking of a public position on any issue is a potential wedge between the Lord Mayor and a section of the local community.

The title Lord Mayor has been accorded to the first citizen of the City of Birmingham since 1896 and the Lord Mayor shall, by law, have precedence in the City but not so as to prejudicially affect Her Majesty's Royal Prerogative. The Lord Mayor is styled 'The Right Worshipful the Lord Mayor of Birmingham' and has precedence immediately after the Royal Family in civic premises and after the Lord Lieutenant elsewhere in the City.

The limited nature of the formal powers of the Lord Mayor does not mean a lack of significance for the role or an inability to initiate beneficial change. Indeed, combined with the absolute impartiality that goes with the office of Lord Mayor, the freedom from formal powers can be a positive asset. Moreover, with the enormous number of engagements that are undertaken by the first citizen, it would be impossible to exercise day to day executive powers with due deliberation.

The volume of engagements undertaken by the Lord Mayor is not an indicator of quality and if excessive can limit the opportunities during a Mayoralty to take full advantage of

the multitude of contacts and subsequent connections that could be made while the influence of being Lord Mayor is available.

It is important that a reasonable proportion of the engagements should be proactive, for example those relating to the Lord Mayor's objectives for the year, and that requests from organisations that have not received a mayoral visit previously are encouraged. A mayoral year should not merely be a repeat of previous years.

It is also important that people at all levels of community and voluntary organisations, particularly those in 'the front line' get a share of Mayoral time.

In a sense the Lord Mayor belongs to the people of Birmingham. This perception not only affects the way that the role is carried out but suggests that it is not for others to dispose of or encroach upon.

The Lord Mayoralty is a chance to be exposed to a wide range of issues across the board through firsthand observation and through various briefings. It provides an opportunity to reach out, encourage, involve and support and to make productive connections with and between people. What Lord Mayors say and do is heard by hundreds of thousands of people - both personally and through the media.

The city has some of the best civic insignia in the country - a matter for considerable pride and one reason why the attendance of the Lord Mayor at events is so much appreciated. Basic information on the chains, mace and badges is given in Appendix 8.

## **2. Duties of the Lord Mayor**

There are two distinct aspects of the office of Lord Mayor:

### The Lord Mayor is the Chair of Council meetings

This is a legal provision of the Local Government Act 1972, enabling Council business to be carried out in an orderly and proper manner, having regard to statutory obligations and the Constitution of the Council for the conduct of meetings. The fact that the first citizen chairs the meetings of the full City Council is an important symbol of the fact that the Council itself is the council of the people of Birmingham.

The Lord Mayor may call an extraordinary meeting of the Council subject to proper procedures being followed.

The person presiding at the Annual meeting must give a casting vote in the event of any equality of votes for the election of the new Lord Mayor. Such a casting vote would be in addition to a 'deliberative' (ordinary) vote. (1972 Local Government Act sec 4(3)).

The Lord Mayor is the first citizen of the City.

The majority of the Lord Mayor's responsibilities relate to the 'first citizen' function of representing the Council, the city, and its people; and in so doing meeting a wide range of voluntary organisations, charities, employers, agencies, civic heads from other Local Authorities, consular and diplomatic representatives, Heads of State and members of the Royal Family.

Many of the Lord Mayor's duties are ambassadorial, representing the people and the City both at home and abroad. Responsibilities are many and varied and include, as examples:

- Presiding as ceremonial head for the Council over its civic functions and social occasions
- Acting as a focal point in times of crisis, tragedy or triumph. This arises as a consequence of precedence.
- Hosting events, receiving and welcoming members of the Royal Family, dignitaries and visitors, at all times observing the recognised protocol.
- Taking part in functions as a representative of the people of Birmingham or the City Council.
- Maintaining good relationships and links with the Armed Services and veterans' organisations, including the taking of salutes and presiding at Freedom of the City ceremonies.
- Working proactively for the Lord Mayor's Charity and supporting many other charities.
- Promoting and raising the profile of many Council initiatives and projects that benefit the citizens of Birmingham.
- Encouraging active citizenship and facilitating participation by all in the life of the city.
- Maintaining good relationships and working with faith organisations within the city, attending a variety of religious occasions and making visits.
- Supporting voluntary activities that benefit the local community and the people of Birmingham.
- Celebrating local success and recognising achievement both internal and external to the Council.
- Opening significant buildings, exhibitions and businesses



- Joining citizens in community events.
- Enhancing social cohesion, making connections and expressing the unity of the city.
- Acting as a reassuring reminder of tradition and constancy in a volatile world.
- Acting as an ambassador for the city both nationally and internationally.

The Lord Mayor also has a role in friendly relations between Birmingham and other cities and regions both at home and abroad. This latter includes, but is not confined to, twinning and Sister Cities. In more recent times, trade and the economic considerations have played a major role, but the importance of cultural and social linkage and understanding should not be lost.

There is also scope for simpler, community-to-community friendship links. Birmingham has a substantial and thriving Irish community; many having close family connections with County Councils throughout Ireland, and reciprocal visits take place regularly. Birmingham also has very strong links with the town of Albert in France, having been one of the 'War Godmother Towns' that helped to rebuild Albert after the First World War.

The Lord Mayor hosts a number of civic functions during the year. The Head of Lord Mayor's Office has the responsibility of making high level connections with a very wide range of external organisations.

Examples of the demands of the role can be found in Appendix 2.

### **3. Other Civic Positions**

#### The Deputy Lord Mayor

In Birmingham the position of Deputy Lord Mayor is occupied by the previous year's Lord Mayor.

The Deputy Lord Mayor's principal duties are:

- To assist the Lord Mayor
- To deputise in the absence of the Lord Mayor or at the request of the Lord Mayor at civic or community events.

## The Lord Mayor's Deputies

If both the Lord Mayor and the Deputy Lord Mayor are unavailable to cover a particular event, previous Lord Mayors can be called on to act in a civic capacity as deputy and bring their considerable experience to bear as former civic heads.

The former Civic Heads represent one of the primary sources of the civic institutional memory and a number undertake many supportive roles in the office and in the delivery of the civic function, as well as serving on the Lord Mayor's Advisory Group, a Sub-Committee of Council Business Management Committee.

### **4. Mayoral Links to the Magistracy and Judiciary**

The Lord Mayor's formal link to the magistracy disappeared many years ago, by virtue of the Administration of Justice Act 1973 and section 10(2) of the Justices of the Peace Act 1979, although equivalent powers were retained by the Lord Mayor of London. Nevertheless, the Lord Mayor can perform certain tasks in a manner similar to a JP.

For example, the Lord Mayor may:

- Take and authenticate by their signature any written declaration not made on oath;
- Give a certificate of facts within their knowledge or of their opinion as to any matter;
- Sign any document for the purpose of authenticating another person's signature.

The Lord Mayor, in conjunction with the Liaison Judge and the Chairman of the Birmingham Bench, presides at the swearing in ceremonies for new magistrates. In recent years there has been an expanded range of informal connections that are much appreciated.

The Lord Mayor meets with members of the Judiciary on a number of occasions and through the Honorary Recorder may sit with the Judge in trials held in Birmingham.

### **5. The Lord Mayor and Voting**

At City Council meetings the Lord Mayor may exercise a casting vote (having not voted previously) or indeed a second vote (after voting previously on the issue in question (a 'deliberative vote')).

While some Local Authorities have attempted to point the Lord Mayor towards support for the status quo, there is no convention that the Lord Mayor should seek to vote to protect the status quo.

In fact, the law requires that the Lord Mayor has complete freedom in exercising a casting vote and it is important that discretion is not seen to be fettered. The Lord Mayor should always be able to vote in accordance with his or her conscience.

The Lord Mayor may reasonably decline to use a casting vote if an affirmative vote is not required on grounds of urgency and there is an opportunity to consider the matter again in an acceptable period.

However, if there is a risk - reputational, financial or otherwise - to the Council, the Lord Mayor will no doubt deploy a casting vote as he or she sees to be in the best interests of the Council as a whole.

## **6. Selection of Lord Mayors**

The Lord Mayor must be a member of the City Council, but it was not until 1974 that it became compulsory for Mayors to be selected from members of the council (Local Government Act 1972 section 3.1).

Previously, under the Local Government Act 1933, the Lord Mayor could be elected from 'those qualified' - which roughly equated to all those entitled to vote in the area.

In Birmingham an agreed formula is applied so that a candidate is presented to the Council from the major political groups in a frequency proportional to their representation on the Council.

## **7. The Mayoral Years 2019/21**

This has been an extraordinary and very challenging couple of years, where I have been really astonished and delighted by the way the people of this country's greatest City have gone the extra mile to support the elderly, vulnerable, young and lonely members of their communities. This work has built friendships and connections in our communities that will hopefully still exist long after Covid is a distant memory in our lives.

You may suppose that this time has been quiet in the Lord Mayor's Office, but you would be wrong, we have been one of the busiest civic offices in the Country; writing to frontline workers acknowledging their efforts, and recognising all our Coronavirus heroes with letters and special thankyou stickers.

I have been recognising volunteers in our communities who have:

- Donated millions of food items to our food banks and ensured food and essential items were delivered to the lonely, elderly, self-isolating and vulnerable
- Produced thousands of items of PPE for hospitals and care homes across Birmingham
- Supported burials and mourners

- Supported scouts and brownies with activities to keep them happy and busy
- Litter-picked to keep our streets clean and safe
- Set up newsletters and radio stations to keep people informed
- Befriended people and kept in contact with them to keep their spirits up
- Formed choirs to sing for their neighbours and in the community
- And too many more to mention

I have been filming countless messages of support, attending virtual meetings and still managing to celebrate those annual events that cannot be missed, like our virtual Remembrance Sunday Service.

None of this would have been possible without the hard work, professionalism, skills, energy and enthusiasm of the staff in the Lord Mayor's Office. Before taking up the role, I had no idea of what happened behind the scenes to support the Lord Mayor and engage with everyone, from foreign VIPs and dignitaries, members of the Royal Family, members of the armed forces, to local VIPs and thousands of ordinary Brummies.

I had no idea that the office fields and deals with thousands of enquiries every year on housing, refuse, the state of our roads, empty properties, school admissions, dog fouling, citizenship claims, graffiti and a myriad of other complaints which Brummies, wrongly, believe the Lord Mayor has some control over.

I would like to express my deepest thanks, and those of the Lady Mayoress to: Anne Kennedy, Sharon Allen, Lynne Simon, Bev Whitehouse, Ken Bond, Tarek Chowdhury and Paul Phillips – without whose support I could not have undertaken the role of Lord Mayor. They are the unsung heroes of any Lord Mayor.

It would be remiss of me if I did not also thank Emma Brady, Kris Kowalewski, and everyone in our Communications Team who have been such a support to me.

The International department have also been a wonderful help to me, and my sincere thanks go to Lloyd Broad and Heather Law and the rest of their Team

I would also like to thank Stephen Goldstein, Chair of the Trustees of the Lord Mayor of Birmingham's Charity, along with all the charity Trustees and Patrons, who have supported the Charity, and ultimately many good causes, in Birmingham.

Of course, I thank my Councillor colleagues, the great organisations civilian and military, the public services, and all the institutions of our City that form the rich and diverse social tapestry that makes up Birmingham; for their hospitality and their expressions of kindness on our various visits and engagements.

It was my great privilege to host the British Empire Medals Investiture in the Banqueting Suite and get the chance to meet all the worthy winners of Queen's Honours from around the West Midlands, these truly are some of our unsung heroes in their communities and it was fantastic to see them being honoured in this way.

In September 2019, the Lady Mayoress and I went to Albert, France. Birmingham, as many of you will know, has close links to Albert because the citizens of Birmingham helped to rebuild the town after the ravages of the First World War. The visit was to sign a historic Friendship Agreement that formally links us with Albert. I wanted to remember our shared history, and to ensure that we never forget the price paid by millions of men and women across the Commonwealth who fought for our freedom and democracy.

One of the highlights of my term of office was being invited to Rome by the Ambassador to the Holy See, for the canonisation of Cardinal John Henry Newman, when he became the first English saint of modern times. I know the importance of Cardinal Newman to Birmingham, and it was a thrilling and a once in a lifetime experience to be there with Prince Charles as we attended Mass at St Peter's celebrated by Pope Francis.

We were very fortunate to welcome the magnificent Carlos Acosta to Birmingham in the role of Director of Birmingham Royal Ballet. This has given a huge boost to the City, and at a Civic Reception I hosted, we were able to witness first-hand some of the marvellous young Birmingham talent he is nurturing. It was a magical evening.

I have hosted many Royal Visits over my term, including the Earl of Wessex, the Duchess of Cambridge, the Duchess of Cornwall and the Duke of Kent. The Royal Family have an enduring fondness for our great City, and who can blame them – we have so much to offer.

Over my term of office I have had many contacts with our fantastic Armed Forces and it was not until I took up the role that I realised the importance of the Lord Mayor in maintaining and building on the City's relationships with the Royal Navy, the Army and the RAF. I was fortunate to meet with Brigadier Jock Fraser (RN) and the new Station Commander at RAF Cosford, Group Captain Gareth Bryant.

One thing that has become apparent over the very challenging last year is the important role that the Lord Mayor plays in acting as an ambassador for our City, and a source of good news and encouragement in dark and happier times. The Lord Mayor should be at the forefront and the heart of everything we do as a City.

Each one of the Council's employees', the Corporate Leadership Team, and all Birmingham's Councillors have worked so hard and been so amazing in supporting our city and its residents and I am grateful to, and proud of, each and every one. Finally, my thanks to the Deputy Lord Mayor, Councillor Yvonne Mosquito, who was a tremendous support to me over the last two years.

I am enormously proud to have been your Lord Mayor and First Citizen.

## 8. Further Information

Members who would like to learn more about civic traditions, protocol and ceremonial heritage throughout the country are referred to *Civic Ceremonial* by Paul Millward - upon which this report draws extensively. The Local Government Acts of 1972 and 2000 give valuable information on precedence and protocol.

A concise history of the Lord Mayoralty in Birmingham has been written by Professor John Stewart of INLOGOV, University of Birmingham. Debrett's *Correct Form* is also a valuable reference for procedure and etiquette.

Councillor Mohammed Azim  
Lord Mayor of Birmingham 2019/21

## Appendix 1

### Lord Mayoral Protocol

#### **General Information**

The Lord Mayor is the first citizen of the City of Birmingham.

In maintaining the dignity of this widely respected position of long standing, it is important that due regard is paid to the office as it has been since the title of Lord Mayor was first accorded in 1896.

There is an established protocol regarding precedence, procedure, speaking arrangements and other matters at events when the Lord Mayor of Birmingham is present. In terms of precedence it is expressly laid down by statute (31 Henry VIII c10) that the determination of precedence is a matter for the Royal prerogative.

The following notes indicate the procedure that should be followed in the City when the Lord Mayor and Lady Mayoress of Birmingham are attending public functions.

#### **Precedence**

*The Lord Mayor shall, by law, have precedence in the City with the sole exception that this shall not prejudicially affect Her Majesty's Royal Prerogative. This means that the Lord Mayor takes precedence over all other members and officers of the Council at all events.*

The Lord Mayor's office will be pleased to assist organisers - within or outside of the Council - on any protocol issues when these involve the attendance of the Lord Mayor, the Lady Mayoress, the Deputy Lord Mayor or a Deputy acting on behalf of the Lord Mayor.

#### **Arrival and Departure**

As, in many instances, the Lord Mayor may be unacquainted with those responsible for the organisation of your function, it is mutually helpful if an appointed person meets the Lord Mayor at the entrance to the building when he arrives.

The Lord Mayor (and the Consort/Lady Mayoress if he/she attends) should then be escorted and introduced immediately to the President, Chairman or whoever is acting as host for the function, or, in certain circumstances, to the assembled company.

When the Consort/Lady Mayoress only attends the function, or when the Lord Mayor is represented by the Deputy Lord Mayor or by a Deputy, similar arrangements should be made.

The departure time from the function that has been agreed with the Lord Mayor's Office is expected to be observed.

## **Reception**

When the Lord Mayor of Birmingham enters an assembly, it is customary for those present to rise. Similarly, this courtesy is extended to him when he/she leaves the meeting.

## **Precedence at Visits and Functions**

As the first citizen of Birmingham, the Lord Mayor should be the first to receive Royal visitors to the Council. The Lord Mayor should also be the first to receive emissaries and diplomatic visitors such as Ambassadors, Charges d’Affaires or Consuls.

At meetings, unless the Lord Mayor occupies the Chair, he should be seated on the immediate right of the Chairman. This also applies to seating arrangements at lunches and dinners.

At lunches and dinners, when the toast of “*The City of Birmingham*” is given (although this toast is not obligatory) it usually follows that of “*The Queen*”.

When the toast is omitted but the Lord Mayor has previously consented to speak, it is customary to accord him/her the privilege of being the first to propose or respond to the toast immediately following the loyal toast.

Similarly, at meetings or social gatherings, the Lord Mayor would be the first speaker, although an introduction may appropriately be made by the Chairman of the meeting.

In programmes or printed material that contains a ‘welcome’ at an event where the Lord Mayor is to be present, the ‘welcome’ should be by the Lord Mayor or, if several ‘welcomes’ are included, that of the Lord Mayor should be first.

## **Information for the Lord Mayor**

The provision of a comprehensive briefing is essential to the Lord Mayor’s participation in your event. The briefing form, *which must be completed in full with no elements omitted*, should be sent to the Lord Mayor’s Office at the earliest convenient date *but at least two weeks before the function*.

## **Photographs, Filming and Recorded Interviews**

The Lord Mayor and the Consort/Lady Mayoress will normally be pleased to be included in a reasonable number of photographs taken at your event. However, *photographs must on no account be used for commercial or political purposes*.

If the event is to be filmed, this should be notified to the Lord Mayor’s Office in advance. If, in addition to other participation in the event, a filmed or recorded interview with the Lord Mayor or Lady Mayoress is desired, filming and subject matter should be agreed with the Office in advance of the event. Informal use of video cameras by members of the audience is allowable within reason.



## Forms of address

The formal announcement to be made when the Lord Mayor only is present is:

*“The Right Worshipful, The Lord Mayor, Councillor \*\*\*\*\*”.*

When the Consort/Lady Mayoress is also present the announcement is: -

*“The Lord Mayor and Her Consort or “The Lord Mayor and The Lady Mayoress”,  
“Councillor \*\*\*\*\* and Mr \*\*\*\*\*”  
or “The Lord Mayor and The Lady Mayoress Councillor \*\*\*\*\*”.*

When the Lady Mayoress only is present it is: -

*“The Lady Mayoress, Mrs \*\*\*\*\*”.*

When the Lord Mayor’s Consort only is present it is

*“The Lord Mayor’s Consort, Mr \*\*\*\*\*”.*

These are also the correct descriptions for use in printed materials.

The usual mode of address is:

*“Lord Mayor – Lady Mayoress”. “Lord Mayor – Lord Mayor’s Consort”. The older form:  
“My Lord Mayor” is also correct but nowadays is less frequently used.*

When the Lord Mayor is represented by the Deputy Lord Mayor, he/she is addressed as  
*“Deputy Lord Mayor”.*

Similarly, if the Lord Mayor is represented by a deputy, who will be a former Lord Mayor, it is: *“Mr / Madam Deputy”.*

The correct descriptions are: -

*“The Deputy Lord Mayor, Councillor \*\*\*\*\*.” and  
“The Lord Mayor’s Deputy (Councillor (or Honorary Alderman) ...).”.*

## Variations and Queries

The Lord Mayor will wish to help ensure the success of every event. In this it is emphasised that precedence must be observed by all participating in the event and any variations to the programme must observe precedence.

The Lord Mayor, the Consort/Lady Mayoress or Deputies should not be asked to deliver a formal speech or address, conduct a recorded or filmed interview or play a particular or changed role in any ceremony associated with the function they are attending, unless a prior request has been made to the Lord Mayor’s Office and consent obtained.

Organisers may have other queries and the Lord Mayor’s Office should always be consulted on these should there exist any remaining doubt.

## Appendix 2

### Head of Lord Mayor's Office

Given the significance of the role, this position calls for an appropriate status and title. Very broadly the principal functions are as follows:

Acting as Private Secretary to the Lord Mayor of Birmingham and director of the civic affairs function of the City of Birmingham.

Providing essential support for the Deputy Lord Mayor and former civic heads when acting in deputising capacities.

Acting as adviser to the Lord Mayor, Consort /Lady Mayoress, Deputy Lord Mayor and Lord Mayor's Deputies on issues relating to protocol, non-politicisation and conduct befitting the office.

Acting as Adviser to the Leader of the Council on civic and Mayoral matters.

Working closely with the Leader of the Council to manage reputational risk and ensure collaborative working and best possible communication between the two offices.

Managing the overall budget for the Lord Mayor's Office.

Directing and administrating the Lord Mayor's Office in light of current legislation and internal procedures; and writing policy documents.

Oversight of all personnel and activities managed and administered by the Lord Mayor's Office.

Managing the programme of major civic and ceremonial events including Remembrance Sunday, Royal Visits and visits from Heads of State, Freedom Parades, the Annual Civic Service and the Annual Mayor-Making Dinner.

Organising the full calendar of civic functions.

Arranging overseas visits.

Working as the link officer with other civic offices both nationally and internationally to develop and enhance partnerships and exchange information.

Co-ordinating the City's response to national and international disasters/tragedies/atrocities; including drafting responses from the Lord Mayor on behalf of the City to Heads of State and the media, managing the half-masting of flags, observances of silences and/or other memorial events as appropriate, and ensuring that all Government directives are actioned appropriately.

Developing and maintaining a Birmingham Protocol for major operations and relevant policy documents.

To co-ordinate the City's nominations for Queen's Honours.

The co-ordination and administration of the Lord Mayor's Award.

Dealing with numerous and significant organisations and individuals on a regular basis, including:

- The Lord Lieutenant's Office
- The Armed Forces (Remembrance Sunday, Freedom Parades, Regimental visits)
- The consulates of over 20 countries
- The office of the High Sheriff
- Government departments (such as the Home Office, The Lord Chancellor's Office, MHCLG)
- The Church of England, the Roman Catholic Church, the Muslim, Sikh, Jewish, Buddhist and other faith communities.
- The Royal British Legion
- The Broadcast Media
- The Birmingham Federation of Ex-Service Associations
- The Honorary Recorder and the Crown Court
- The Magistrates Association
- The Local Government Association
- West Midlands Police
- West Midlands Fire Service
- The Lunar Society
- The Civic Society
- Cathedrals and Major Churches
- BARRA
- War Widows
- War evacuees
- Birmingham City University (the Lord Mayor is Chancellor)
- Rotary Clubs
- Birmingham Royal Ballet
- Birmingham Irish Association
- The Chinese Community
- The Birmingham Society
- Broad Street Business Improvement District
- A wide range of companies with civic engagement such as Sandvik, Firmins, Elkington & Co and Ede & Ravenscroft

Further information is available from the Lord Mayor's Office.

## Appendix 3

### The Lord Mayor's Award

The Lord Mayor's Award fills the significant gap between a letter of appreciation from the Lord Mayor and the award of the Freedom of the City. The standard has been set high; it being envisaged that a relatively small number of such awards would be made each year in order to preserve its distinction. Nominations for the Lord Mayor's Award should have broad support throughout the council. The recipient could be an individual, a group of individuals or an organisation. Each recipient receives a testimonial presented at Full Council at the end of the Lord Mayor's term of office.

The overriding principle is that any Lord Mayor's Awards must be on merit, this being defined as outstanding achievement or exceptional service to the City and people of Birmingham.

No Councillor, past or present, would be considered for the Award, as the same are already considered for the title of Honorary Alderman. To avoid the Award becoming politicised, the Award is not given for services rendered to any Political Party or related organisation.

The Lord Mayor's Award is not made simply for a job well done or because someone has reached a particular level. The Award will recognise 'going the extra mile' in the contribution. The person(s) should stand out from their peers in what they have achieved.

Accordingly, consideration for the Award is given to individuals or organisations who have, through their sustained endeavours, initiative and dedication:

- improved the reputation or benefited the perception or fabric of the City of Birmingham;
- benefited a significant number of the people in Birmingham or improved their lives;
- represent outstanding examples of selfless service to the City of Birmingham and its citizens;
- command the respect of their peers and who are exceptional role models in their field; or
- 'against the odds' demonstrated great moral courage and loyalty to the City and people of Birmingham.

Nominations can be made by Birmingham Councillors and / or members of the public at any time, although it is envisaged that the Lord Mayor will make the awards at the Council AGM. Nominations received are considered by the members of the Lord Mayor's Advisory Group in conjunction with the Lord Mayor and the Awards are administered and supported by the Lord Mayor's Office.

## Appendix 4

### Related Offices and Freedoms

#### **The Lord Lieutenant**

The Lord Mayor works closely with the Lord Lieutenant during the year. The office of Lord Lieutenant dates from the sixteenth century. The Lord Lieutenant had various tasks throughout history and was originally responsible for local military defence and the keeping of order. The Lieutenancy role also has historic associations with the magistracy and the most recent legislation is the Lieutenancies Act 1997.

The Lord Lieutenant is appointed by the Queen and is Her Majesty's representative in the region - in our case the West Midlands. The Lord Lieutenant has primary responsibility for Royal visits. The Lord Lieutenant has considerable involvement with the armed forces, undertakes some charitable and benevolent activities and is 'keeper of the rolls' (concerned with the conduct of JPs).

The Lord Lieutenant may have a large number of Deputy Lieutenants (typically 30 or 40) and is supported by a Lieutenancy Office. As determined nationally, the Lord Lieutenant takes precedence over the Lord Mayor except within civic premises. The Lord Lieutenant once appointed may remain in office until the age of 75.

#### **The High Sheriff**

A High Sheriff is appointed for each county in England and Wales. The office of High Sheriff is an ancient one dating back to Anglo-Saxon times. Before the creation in Tudor times of the office of Lord Lieutenant, the High Sheriff was the Sovereign's sole representative in a County.

The position is not to be confused with the much newer post of City or Borough Sheriff which exists in around sixteen councils in England. The Lord Mayor and High Sheriff are each present at a number of ceremonial occasions and there are significant opportunities to develop connections and common interests further.

The High Sheriff is appointed for one year and is responsible to the Crown with formal responsibility for the well-being of High Court Judges. The High Sheriff is supported by an Under Sheriff. The Shrievalty Association publishes a guide to the office of High Sheriff

## **Honorary Freemen**

This is the highest honour that the City Council can bestow and therefore it should not be awarded lightly or frequently. It is awarded to persons who have, in the opinion of the council, rendered eminent services to the city. Local Government Act 1972 Sec 249 (5).

“After the passing of the resolution a newly appointed Freeman may, depending on custom, take the appropriate Freeman’s Oath and sign the Freeman’s Roll, his or her signature being witnessed by the Lord Mayor and Chief Executive.”

## **Freedom of the City**

The freedom of entry associated with the Freedom of the City is granted to military service units which have rendered conspicuous service, and which are closely associated with the city and the recruitment of people from the region.

The Freedom of the City is bestowed as an honour. It is worth noting that Councils outside London probably do not in any case have powers to prevent entry by HM forces even should they wish to do so.

## Appendix 5

### The Lord Mayor's Charity

The way in which the Lord Mayor of Birmingham's Charity operates changed in 2016. The Charity now chooses a theme which runs for three years and all projects funded by the Charity must either be based in Birmingham or be for the benefit of the people of Birmingham.

The current theme is Health and Wellbeing.

One of the important and exciting benefits of the change is that all of the funds raised by the Charity will be spent right here in the city.

Another exciting benefit is that rather than each Lord Mayor choosing the good causes they will support at the start of their year; donations can now be made to local projects throughout the year. In addition, local good causes can apply to the Lord Mayor for funding by providing full details of the project and what donations will be spent on.

Corporate supporters can also apply for funding from the Lord Mayor's Charity for specific projects that their companies support, which will enhance partnership working. The three-year theme also brings continuity and help corporate supporters to plan ahead.

## Appendix 6

### Civic Insignia

The Lord Mayor's engagements fall into three relatively distinct categories: ceremonial, formal and informal, and regalia and clothing are appropriate to the occasion. On ceremonial occasions (for example the Civic Service, Remembrance Sunday, the Annual Meeting and Freedom Ceremonies) the robes and chain are worn.

The chain is worn on formal occasions ranging from important major events such as Royal Visits, presentations and official visits or openings of community functions.

For other engagements, for example receiving visitors in the Lord Mayor's Parlour, non-public meetings, small localised events either the chain or the day badge may be worn although, given the interest associated with it, the chain is preferred on most occasions, particularly for community events. The badge is frequently worn at internal business and briefing meetings, at City Council and on black tie occasions.

The essential factor is the continued maintenance of the dignity of the Lord Mayor and the City. The attendance of the Lord Mayor, whether it be in robes, chain or badge, is an honour to the event and should not be regarded as a right by the organisers.

The mace is used on ceremonial and some other formal occasions and for meetings of the full City Council. It was made in Birmingham in 1897 by Elkington and Company. The mace, 4 feet 3 inches in length, is silver, cast and chased and gilded.

The Lord Mayor's chain is 18 carat gold, made and maintained in Birmingham. The chain has 55 enamelled links in two rows suspended from two shoulder clasps in the form of wreathed Tudor roses terminating in an oval enamelled badge bearing the initials of William Scholefield.

Incorporated in the suspension link is a diamond, cut by a refugee from occupied Europe (1939-45). From this badge hangs a Maltese cross incorporating the first diamond to be cut in Birmingham.

Two new links were added in 1989 for the City's Centenary. These bear the initials of Frederick Chapman and Harold Blumenthal who were the Lord Mayors in that year. The measurements of the chain are: circumference (outer row): 60 inches; (inner row): 46 inches; height of the pendant badge: 5 inches; width: 3 ½ inches.

The Lady Mayoress's chain was presented to the City by Alderman F C Clayton in 1914 and is 18 carat gold. There are 25 links alternately double-sided fleur-de-lys end openwork scrolling enclosed collet set diamonds. The central badge of openwork scrolling enclosing the letter 'B' in diamonds is set in platinum. Suspended from this is a larger badge with the City coat of arms in gold and enamel. The length of the chain is 36 inches and contains over 70 diamonds.

The Lord Mayor's Consort does not wear a Chain of Office but wears a civic badge.



## **Birmingham City Council By-Elections – 6 May 2021**

I have to inform you that at the above elections the following persons were elected Councillors of the City for the under-mentioned Wards and that they have made and subscribed the declaration required by law accepting office:-

<b><u>Ward</u></b>	<b><u>Name</u></b>	<b><u>Description</u></b>	<b><u>Term of Office Expires</u></b>
<b>BILLESLEY</b>	CARLISLE Katherine	Labour	2022
<b>HALL GREEN NORTH</b>	SULEMAN Saima	Labour	2022
<b>OSCOTT</b>	SANDHU Darius	Conservative	2022
<b>QUINTON</b>	STANFORD Dominic	Conservative	2022



**10<sup>th</sup> May 2021**

.....  
Suzanne Dodd  
City Solicitor and Monitoring Officer



# Birmingham City Council

## City Council – Annual Meeting

25 May 2021



**Subject:** Annual Review of the Constitution  
**Report of:** Suzanne Dodd, City Solicitor  
**Report author:** Emma Williamson, Head of Scrutiny Services

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

### 1 Executive Summary

- 1.1 This report sets out proposed amendments to the Constitution resulting from the Annual Review and asks Council to approve the changes.

### 2 Motion

- 2.1 That Council agrees the proposed amendments set out in Appendix 1, and in the tracked change version of the Constitution (Appendix 2), and that the City Solicitor be authorised to implement the changes with effect from 25<sup>th</sup> May 2021.
- 2.2 That Council authorises the City Solicitor to make in-year changes to the Constitution to reflect variations in the senior officer structure, in line with decisions made by the Council Business Management (Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions Sub-) Committee – JNC Core Panel.

### 3 Background

- 3.1 The Constitution underwent a major review and the revised version was agreed by Full Council in September 2019. Temporary amendments were agreed by Full Council on 28th April; these will expire no later than 25 May 2021. Further amendments were agreed in November 2020.

### 4 Proposed Changes

- 4.1 The proposed changes are set out in Appendix 1 and in tracked change versions of the Constitution in Appendix 2. Minor amendments to wording for clarity, consistency and accuracy reasons are set out in the tracked change document only.
- 4.2 The most significant change relates to the Members Code of Conduct. Standards Committee met on 5<sup>th</sup> May and agreed to put forward an amended Members Code

of Conduct for members to consider at Full Council. This is set out in Part C4 and is based on the [model code of conduct published by the LGA](#).

- 4.3 Members of Standards Committee debated whether to include paragraph C4.7 10.3 on page 29 (highlighted in green) in the Birmingham code, and agreed that should be determined by Full Council. If Full Council wish to remove this provision, then an amendment to the recommendation in 2.1 would be required.
- 4.4 In addition, Council are asked to authorise the City Solicitor to make in-year changes to the senior officer structures in Parts B1.7, Part B2 and Part E to reflect changes agreed by JNC Panel, for a period of 12 months. These changes would be reported back to the next CBM Committee meeting and any changes circulated to all members.
- 4.5 This would be in addition to the existing authority for the City Solicitor to make minor in-year changes (see Part A page 10)

## **5 Appendices**

- 5.1 Appendix 1: 2021 Constitution Change Log
- 5.2 Appendix 2: The Constitution Parts A-E with tracked change amendments

## Birmingham City Council Constitution – Change Log Annual Review 2021

### Part A

Section	Proposed Change	Reason
Page 7	Added section on Joint Committees	To reflect main body of Constitution
Page 9-10	<p>Retain temporary change to wording around common seal:</p> <p><del>“The Common Seal shall be attested by the signature of the City Solicitor, or the person authorised by him/her, and entry shall be made by the City Solicitor or some other person authorised by him/her in a book to be provided for that purpose of every deed and other document to which the Common Seal has been affixed.</del></p> <p><del>The Seal shall be attested by one of the following persons who shall subscribe his/her name thereto after sealing, that is to say, the Lord Mayor, the Deputy Lord Mayor, the Chief Executive or any senior lawyer in the employment of the City Council from time to time authorised for this purpose by or on behalf of the Council.</del></p> <p>The process for sealing documents shall be determined by the <del>Interim</del> City Solicitor.”</p>	<p>Temporary wording expires 25 May 2021 – it is recommended to retain the amendment, partly as officers are still working remotely, and to allow the City Solicitor to put in place a final process.</p> <p>Remove “interim”</p>
Page 11 / Annex 1	Amended which body/person has the authority to amend the Constitution	To reflect wording in other parts of the Constitution and statutory requirements
Throughout document	Amendments to wording for clarity, consistency and accuracy – these are set out in the tracked change version	

## Part B

Section	Change	Reason
B1.7/B2	<p>References to senior officers under the senior leadership will change as Investing in the Future structure changes are taken through.</p> <p><i>Additional Recommendation to be made to Full Council:</i> That the City Solicitor be authorised to make changes to Part B1.7 and Part B2 to reflect changes in the Council structure agreed by the JNC Panel, for a period of 12 months. These changes should be reported back to the next CBM committee meeting and any amendments to the Constitution circulated to all members.</p>	To allow the Constitution to keep pace with the council re-structure without having to go back to Full Council each time.
B3.1	<p>Added a third category of exemption to key decisions: Any decision covered by the specific delegations set out in Part D3 (Procurement Governance Arrangements) or Part E3.2 of the Constitution (Chief Officer Delegations)</p>	To link up with what is already in the Constitution in Part D and Part E3.2
B3.1 / B4.4L / B6.6	<p>A definition of “urgent” is included.</p> <p><i>“An urgent decision is defined as one which could not reasonably have been foreseen or anticipated prior to the most recent Cabinet or Committee meeting, and which needs to be considered before the next meeting of the Cabinet/Committee. Decisions made under this provision will be reported to the next meeting of the Cabinet/Committee.”</i></p>	<p>For clarity and in response to a request in November 20</p> <p>Includes Cabinet and Committee meetings – in line with legislation</p>
B4.2	<p>Amend functions of Full Council to add:</p> <ul style="list-style-type: none"> <li>g) Adopting and revising a Member Code of Conduct;</li> <li>o) Receiving statutory officer reports of the Monitoring Officer, Section 151 officer and Head of Paid Service and other external auditor public interest reports</li> </ul>	For completeness

Section	Change	Reason
B4.4G	Removed “exempt” from list of information that cannot be requested	Any request for exempt info will be assessed by the City Solicitor and response given. Any debate containing exempt information will move into private session.
B5.1	Delete temporary changes delegating appointments to CBM	No longer needed as Full Council meetings are being held regularly
B5.3	Added in terms of reference for CBM sub committees	For clarity (will also still be submitted to the first CBM meeting of the year)
B6.2 ii footnote	<p>To introduce a six-month review of delegations by Cabinet to Cabinet Members and officers in situations where a timescale has not been set out and implementation has not commenced.</p> <p>Add to footnote on Cabinet key decisions:  “A key decision may also be delegated specifically by Cabinet report to a Cabinet Member or officer (see section B3.1). Where such delegations are made without a clear timescale for implementation, and implementation has not commenced within six months, these should be reviewed by the Cabinet Member to ensure the decision is still in line with Council policy”</p>	<p>Following on from recommendation from Co-ordinating O&amp;S Committee (July 2020).</p> <p>Any Cabinet Member review should be published</p>
B6.3	<p>Group Company Governance – amend reference to “decisions” to “recommendations”.</p> <p>And adding: “Advising Cabinet/City Council of issues as appropriate, <b>including on appointments to outside bodies.</b>” to the list of functions</p>	<p>To ensure it is clear that non-Executive members cannot take Executive decisions.</p> <p>To give the committee a role in advising Cabinet of executive appointments to outside bodies.</p>
B7	<p>Amend wording in relation to consultants, to add:  Oversight of the use of consultants <b>with particular focus on their duration, renewal and cost</b></p>	At request of Cabinet Member Finance & Resources

Section	Change	Reason
B8 and B9	Clarified appointments regarding proportionality and executive arrangements	
B10	Amend wording around ward plans and requirement to hold ward forum meetings – Members should hold at least four ward forum meetings per year	At request of Cllr Thompson
B11.1	Amend four principles in line with Scrutiny Framework agreed by Full Council in April 2021	As agreed by Full Council 13 <sup>th</sup> April (under Scrutiny Business Report on Scrutiny Framework)
B11.4	B11 vii insert an addendum: “where the activities of that company overlap with the remit of that Overview & Scrutiny Committee”	Proposal from Cllr Bore Sept 2020
B11.5	Amendments to O&S Committee remits	Recommendation from Co-ordinating O&S 16 <sup>th</sup> April 2021
B11.6	Add that O&S Committees cannot consider personnel appeals	For clarification
B11.7	Cabinet advisers and conflict of interest	Clarified that this relates to scrutiny matters (similar provision added later for Audit Committee)
B11.9	Call-In: amend criteria (delete number 7 and amend new number 8)	Recommendation of Co-ordinating O&S Committee and included in Scrutiny Business Report to Full Council 13 April 2021
B12	Role of planning: remove “strategic” as committee covers planning matters	For clarification
B13.2/13.4	To note that licensing sub committees are not required to be politically balanced (though in practice that will be the aim) and that licensing matters are not subject to the 1972 LGA	For clarification
B14.3	Add requirement to appoint an independent technical advisor to the Audit Committee	Proposal from Leader



Section	Change	Reason
	“An Independent Technical Advisor should be appointed to support the Committee.”	
B14.4	<p>Add conflict of interest section to Audit Committee:</p> <ul style="list-style-type: none"> <li>i. If a Cabinet Adviser (or former Cabinet Adviser) is a member of the Audit Committee when it is considering matters to which their role relates, then that Councillor must withdraw from the meeting during the consideration of such matter.</li> <li>ii. If the Audit Committee is considering items relating to the work of a relative of a member of the Committee, then that Councillor must withdraw from the meeting during the consideration of such matter.</li> </ul>	To mirror that in the O&S section
B16.2	<p>Amend so quorum includes BCC councillors:</p> <p>“The quorum for the Standards Committee shall be five, <b>including at least three Birmingham Councillors</b>, one of the Independent Lay Member and the Parish Councillor if it relates to a Parish Council matter”</p>	
Throughout document	Wording and minor amends to tidy up and making meaning clearer	

## Part C

Section	Change	Reason
Part C2.3	Temporary change agreed in April 2020: Notice of Meetings The Council will give at least 5 clear working days' notice of any non-urgent meeting and for urgent meetings at least 3 clear days' notice will be given. Details of the meeting will be posted <b>at the Council House, Victoria Square, Birmingham B1 1BB and</b> on the Council's website.	Restore wording
Part C2.4	Temporary change agreed in April 2020: Access to Agendas, Reports and Decision Records The Council will make the Agenda and relevant Reports available to the public on its website <del>and available for inspection at the Council House</del> at least five clear working days before the meeting or as much time as is available for an urgent item of business. Where Reports are prepared after the Agenda has been sent out, the Committee Services Officer shall make such report(s) available for inspection to the public as soon as the Report is completed and sent to the relevant Councillors.	Retain deletion as the Council House will be closed for refurbishment, plus all papers are available on-line.
C2.5	To retain the wording "Attendance shall include viewing the meeting via video conferencing or live webcast" for members of the public, as government guidance/regulation allows"	Propose to amend wording to accommodate any future changes to the legal position
C2.8	To add a new paragraph iii: "Members of the Audit Committee shall have access to any information that is relevant to their role as an Audit Committee member, save where legal privilege applies or where sharing information will result in a breach of contract or confidentiality, or is otherwise judged by the City Solicitor to put the Council at risk."	

Section	Change	Reason
C2.8	Amend: to <b>Members</b> of an Overview and Scrutiny Committee will be entitled to copies / inspect documents <b>in respect of matters under scrutiny by those members</b> , which are in the possession or control of the Executive or its Committees and which contain material relating to...	The relevant part of the 2012 Regs provides rights to individual members of scrutiny committees, rather than the committees themselves, in respect of matters under scrutiny by those individual members.
C4	Following the publication of the LGA Model Code of Conduct the Standards Committee are putting forward a recommendation for amending the Code in line with the Model Code.	Recommendation of Standards Committee
C7	Wording tidied up around JNC Core Panel	
C11	Protocol on Substitute Members added	New protocol to clarify arrangements in respect of substitute members, where they are permitted

#### Part D

Section	Change	Reason
Appendix A: Financial Approval Framework	Minor amendments for clarity	On advice from Finance officers
D2.3 ii	Amend: <del>Instruction</del> <b>Use</b> of any legal firm or barrister must be approved by the City Solicitor	Request of City Solicitor to include training - as there is a real risk that delegates will view the content as being legal advice - it is therefore vital Legal Services approval of the particular legal advisor is sought.
Throughout document	Wording and minor amends to tidy up and making meaning clearer	

## Part E

Section	Change	Reason
	References to senior officers under the senior leadership will change as Investing in the Future structure changes are taken through (see note under B1.7 above).	
3.2 ix	E3.2 ix add: “The Chief Executive and the Chief Finance Officer <b>together</b> (and no other Director) without financial limit have the following additional powers to make decisions in relation to: .....	For clarity
3.3	Emergency decision making To add new paragraph iii “The principles of decision-making set out in Part B3.2 will apply”	
Throughout document	Wording and minor amends to tidy up and making meaning clearer, including of delegations on advice of officers.	



# Birmingham City Council Constitution

## Part A – Summary and Explanation

May 2021

Deleted: September 2019

(Draft March 2021)

Deleted: Temporary Amendments made April 2020

Deleted: (Additional Amendments made November 2020)



MAKING A POSITIVE DIFFERENCE EVERYDAY TO PEOPLE'S LIVES

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## The Council's Constitution

Birmingham City Council has agreed a Constitution which governs how the Council operates, how decisions are made, and the procedures which are followed to ensure efficiency, transparency and accountability to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Council will exercise all its powers and duties in accordance with the law and this Constitution. This Constitution complies with the requirements of the Local Government Act 2000, related regulations and government guidance on constitutional matters.

The purpose of the Constitution is to:

- (i) Enable the Council to provide visible, accountable and effective leadership to the citizens of Birmingham;
- (ii) Support the active involvement of citizens in the process of local authority decision-making;
- (iii) Help Councillors to effectively and efficiently represent and support their constituents;
- (iv) Enable decisions to be taken in an effective and efficient manner having regard to the law, appropriate policies, procedures and ethical standards;
- (v) Create an effective, efficient and appropriate mechanism to hold decision-makers to public account.

For further information regarding the review, revision and suspension of the Constitution, please see [section](#) below.

The Constitution is divided into five parts:

- **Part A – Summary and Explanation:** introduction to the Constitution and how the Council operates;
- **Part B – Roles, Functions and Rules of Procedure:** rules governing the Council's business, how decisions are taken and the rights of citizens;
- **Part C – Codes and Protocols:** Codes of Conduct for Councillors (also known as "Members") and employees, and other codes and protocols;
- **Part D – Financial Regulations:** rules governing financial, procurement and contract matters;
- **Part E – Schedule of Delegations:** how decisions are delegated to officers.

## How the Council Operates

The Council is composed of 101 [Councillors](#), one of whom is elected as Leader. The **Leader** is elected by the Councillors, normally for a four-year term of office. The overriding duty of Councillors is to

the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All Councillors meet together as the Council. These meetings are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council elects a Leader, who appoints the **Cabinet**. Cabinet's main role is to develop and implement policy on behalf of the Council. It constitutes the Executive (decision making) part of the Council, though some decisions, such as the approval of the budget, rest with Full Council. **Overview & Scrutiny Committees** ensure that decision makers within the Council are held accountable and assist in strategic policy development, drive improvement in public services, and ensure that the voice of the public is heard.

The Council has established **Ward Forums** which provide for public participation and representation at a local level.

The Council also appoints **Regulatory Committees** to perform the Council's regulatory functions such as Planning and Licensing. Other specialist committees are appointed by the Council from time to time. As "quasi-judicial" bodies, these Committees are also cross-party and independent of the Executive.

The Council has established a **Standards Committee** to advise on the adoption and implementation of a Code of Conduct for Councillors. All Councillors have agreed to follow the Code so as to ensure high standards in the way they undertake their duties. The Standards Committee ensures there is appropriate training and advice on the Code. Further information can be found in Part B16: *The Standards Committee*.

The Council also employs **officers** to give advice, implement decisions and manage the day to day delivery of its services, as well as taking decisions if responsibility has been delegated to them. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and Members of the Council (see Part C5 *Member/Officer Protocol*).

## How Decisions are Made

### The Full Council

All Councillors meet together as the Council (sometimes called Full Council). The Council has responsibility for all Non-Executive functions including approving the policy framework and budget. The Council, as a whole, retains responsibility for regulatory functions and has a role in holding the Executive to account.

Meetings of the Council are normally open to the public and are chaired by the **Lord Mayor**.

### Types of Council meetings

There are three types of Council meeting:

- (i) the Annual General Meeting;
- (ii) ordinary meetings;

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## (iii) extraordinary meetings

They will be conducted in accordance with the rules of procedure as set out in Part B4 of the Constitution.

Further information can be found in Part B4: *Full Council Role, Function and Procedure Rules*.

### The Executive

The Executive (known as Cabinet) will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

The Executive is made up of the following:

- (i) Cabinet
- (ii) Cabinet Committees
- (iii) Cabinet Members

**Key decisions** are made by Cabinet and must first be published in the Cabinet's Forward Plan in so far as they can be anticipated, but at least 28 days in advance (in accordance with statutory requirements).

The Cabinet, acting as a collective and in accordance with the provisions of the Constitution, has to make decisions which are in line with the Council's overall policy framework and budget. If it wishes to make a decision which is a change to the budget or policy framework, this must be referred to the Council to decide.

Non-key decisions are made by **Cabinet Committees**; and by **Cabinet Members with Chief Officers** and by **officers** under delegated authority.

Cabinet comprises ten Councillors, including the Leader and Deputy Leader, as follows:

- Leader
- Deputy Leader
- Cabinet Member – Children's Wellbeing
- Cabinet Member – Education, Skills and Culture
- Cabinet Member – Finance and Resources
- Cabinet Member – Health and Social Care
- Cabinet Member – Homes and Neighbourhoods
- Cabinet Member – Social Inclusion, Community Safety and Equalities
- Cabinet Member – Street Scene and Parks
- Cabinet Member – Transport and Environment

Further information can be found in Part B6 *Executive Role, Function and Procedures* and Part B7 *Cabinet Portfolios*.

### Health and Wellbeing Board

The Health and Wellbeing Board is constituted as a Committee under the Chair of the Cabinet Member - Health and Social Care in order to discharge the functions of a Health and Wellbeing Board as set out in the Health and Social Care Act 2012, including the appointment of Board Members as set out in the schedule of required Board Members in the Act.

Further information can be found in Part B6.4 *Health and Wellbeing Board*.

### Overview and Scrutiny

A number of Overview & Scrutiny Committees ensure that decision makers within the Council are held accountable. They assist in strategic policy development, drive improvement in public services, and ensure that the voice of the public is heard. These Committees are not decision making and must be cross-party.

Overview & Scrutiny Committees can “call-in” a decision which has been made by Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsiders the decision. They also support the work of the Cabinet and the Council as a whole through contribution to policy development. They may submit reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.

These Committees will, normally, meet in public to discuss and make recommendations on the development of policies and on improving service performance, and to hold the Executive to account for their actions.

Further information can be found in Part B11 *Overview & Scrutiny Committees*.

### Regulatory and Non-Executive Committees

The Council also appoints Regulatory Committees to perform the Council’s regulatory functions such as Planning and Licensing. Other specialist committees are appointed by the Council from time to time. These Committees operate in a “quasi-judicial” manner, and are also cross-party and independent of the Executive.

Regulatory and Non-Executive Committees are not part of the Executive functions and neither are they part of the Scrutiny arrangements.

Chairs of these committees are appointed by the Full Council and Deputy Chairs are elected by each committee at its first meeting, for the purpose of substitution for the Chair if absent.

Regulatory and Non-Executive Committees for Birmingham City Council are as follows:

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### Regulatory committees

- (i) Planning Committee (see Part B12 *Planning Committee*)
- (ii) Licensing and Public Protection Committee (see Part B13 *Licensing and Public Protection Committee*)

### Non-executive committees

- (i) Council Business Management Committee (see Part B5 *Council Business Management Committee*);
- (ii) Audit Committee (see Part B14 *Audit Committee*)
- (iii) Trusts and Charities Committee (see Part B15 *Trusts and Charities Committee*)
- (iv) Standards Committee (see Part B16 *Standards Committee*)

### Ward Forums

In order to give local citizens a greater say in Council affairs, Ward Forums have been established on the basis of representing all parts of the City. The Cabinet may make arrangements for the discharge of functions for which the Cabinet is responsible by Ward Forums. The Cabinet will identify a number of functions that Ward Forums may exercise. However, the Cabinet remains ultimately responsible for these services and may remove or limit a Ward Forum's powers. As with the Cabinet, in exercising their powers Ward Forums must make decisions which are in line with the Council's overall policies and budget. The Ward Forums involve all the Councillors from the Wards within each Ward Forum area and meetings are held in public.

Further information can be found in Part B10 *Ward Forums*.

### Joint Committees

The City Council has established the following Joint Arrangements for the current Municipal Year:

#### West Midlands Combined Authority (WMCA)

The West Midlands Combined Authority comprises 18 local authorities, including Birmingham City Council and four Local Enterprise Partnerships (LEPs) including Greater Birmingham & Solihull LEP, working together to move powers from Whitehall to the West Midlands. Individual councils will still deliver services and retain their identity, but on the big decisions the WMCA will have the resources to work together.

### Officers

The title "Officers" refers to all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non-employed situations.

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The Council's "Officers" give advice to the Councillors, implement decisions and manage the day to day delivery of its services. All Officers serve the whole Council and must ensure that they act within the law when carrying out the Council's work.

For further information in respect of the role of officers, see Part E: *Scheme of Delegations*.

## Citizens' Rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- (i) Vote at local elections if they are registered;
- (ii) Contact their local Councillors about matters of concern to them;
- (iii) Obtain a copy of the Constitution;
- (iv) Attend meetings of the Council, the Cabinet and Committees;
- (v) See reports, background papers and records of decisions made by the Council, the Cabinet and Committees;
- (vi) Complain to the [Council](#) about service delivery;
- (vii) Complain to the [Ombudsman](#);
- (viii) Complain to the Council's [Standards Committee](#) if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- (ix) Inspect the Council's accounts during a statutory period and make their views known to the external auditor.

Further information can be found in Part B1.1 *Citizens and the Council*.

## Finance, Contract and Legal Matters

### Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations as set out in Part D of this Constitution.

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## Contracts

Contracts relating to the procurement of supplies, works or services entered into by the Council must comply with the Regulations relating to Contracts set out in Part D of this Constitution.

The Council has a statutory duty under Section 135 Local Government Act 1972 to make Standing Orders with respect to the making of contracts for the supply of goods or services or for the execution of works. Sound procurement practices support probity, competition and the discharge of the Council's best value duty. Officers are required to use the Council's corporate contracts where they exist as distinct from procuring a new contract.

## Procurement Governance Arrangements

The purpose of these arrangements is to ensure the required quality of decision making in procurement matters and that the relevant Officers have been engaged or consulted. As a general principle the contract award decision for all contracts where the supplies, materials, services to be purchased or the works to be executed are below £10,000,000, will be delegated to Chief Officers except where it is likely that the award of the contract will result in staff employed by the Council transferring to the successful contractor under TUPE.

The Procurement Governance Arrangements as set out in Part D of this Constitution.

## Legal Proceedings

The City Solicitor is duly authorised to institute, defend or participate in any actual or threatened legal proceedings or settle the same (up to the value of £500,000), if appropriate, in any case where such action is necessary to give effect to decisions of the Council or in any case where the City Solicitor considers that such action is necessary to safeguard and protect the Council's interests. Decisions above this financial threshold will be made by the Chief Finance Officer and/or the Chief Executive in consultation with the City Solicitor.

Part D of this Constitution (Financial Regulations) governs the arrangements for signing of contracts and sealing of relevant documents.

## Common Seal

A decision of the Executive or a resolution of the Council or a committee acting within the powers and duties delegated to it shall be sufficient authority for sealing any deed, instrument, document or writing necessary to give effect thereto.

The Common Seal will be affixed to those documents which in the opinion of the City Solicitor should be sealed. The affixing of the Common Seal will be attested by the City Solicitor or some other person authorised by him/her.

## Temporary Amendments Agreed by Full Council 28 April 2020, which will expire no later than 25 May 2021

~~The Common Seal shall be attested by the signature of the City Solicitor, or the person authorised by him/her, and entry shall be made by the City Solicitor or some other person authorised by him/her in a book to be provided for that purpose of every deed and other document to which the Common Seal has been affixed.~~

The Seal shall be attested by one of the following persons who shall subscribe his/her name thereto after sealing, that is to say, the Lord Mayor, the Deputy Lord Mayor, the Chief Executive or any senior lawyer in the employment of the City Council from time to time authorised for this purpose by or on behalf of the Council.

The process for sealing documents shall be determined by the City Solicitor.

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## Review, Revision and Suspension of the Constitution

### Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the effectiveness and operation of this Constitution so as to ensure that the aims and principles of the Constitution are given full effect.

### Changes to the Constitution

The Council has authorised the Council Business Management Committee to take all necessary steps, through the year, to amend, add, substitute or delete any of the City Council's non-Executive Constitutional amendments and refer all changes to Full Council for approval, save that authority to make certain changes is delegated to the Monitoring Officer as set out below.

Changes to the Constitution will be approved by the body or person to whom such authority has been delegated as indicated in the table set out at Annex 1 attached. Where the approval of Full Council is required, then they will only be approved by full Council after consideration of the proposal by the Council Business Management Committee and following advice from the Monitoring Officer.

The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:

- as a result of legislative change or decisions of the Council<sup>1</sup> or Executive<sup>2</sup> to enable him/her to maintain it up to date;
- or for the purposes of clarification only.

All changes made by officers under delegated authority will be recorded as delegated decisions.

### Suspension of the Constitution

#### Limit to suspension

<sup>1</sup> Including Council Committees and Officers acting under delegated authority.

<sup>2</sup> Including Committees of the Executive and Officers acting under delegated authority.

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The Constitution may not be suspended. The Council Procedure Rules set out in Part B4.4 of this Constitution may be suspended by the Full Council to the extent permitted within those Rules and the law.

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved; taking account of the purposes of the Constitution set out in [Part A](#).

The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in [Part A](#).

## Annex 1

Part of Constitution	Title of Section	Body/Person with authority to change the document <sup>3</sup>
Part A – Summary and Explanations	–	Full Council
Part B – Roles, Functions and Rules of Procedure	B1 Roles B2 Responsibility for functions B3 Decision Making B4 Full Council Role, Function & Procedure Rules B5 Council Business Management Committee Role and Procedure  B6 Executive Role, Functions and Procedure B7 Cabinet Portfolios  B8 Appointments to Outside Bodies  B9 Joint Arrangements B10 Ward Forums B11 Overview & Scrutiny Committees B12 Planning Committee B13 Licensing and Public Protection Committee B14 Audit Committee B15 Trusts and Charities Committee B16 Standards Committee B17 Independent Remuneration Panel B18 Summary of Quoracy	Full Council  Cabinet <a href="#">Leader of the Council</a>  <a href="#">Full Council (Non-Executive) or Cabinet (Executive)</a>  Full Council

<sup>3</sup> Subject to delegation to Monitoring Officer [above](#)

Part of Constitution	Title of Section	Body/Person with authority to change the document <sup>3</sup>
Part C – Codes and Protocols	C1 Corporate Governance Code and Framework C2 Meetings and Access to Information Procedure Rules C3 Protocol Regarding the Recording of Council Meetings C4 Code Of Conduct For Members C5 Member / Officer Relations Protocol C6 Employee Code of Conduct C7 Employment Procedure Rules C8 Planning Code of Practice for Members and Officers C9 Licensing Committee Code of Practice for Members and Officers C10 Members Allowance Scheme	Full Council
Part D – Financial Regulations	D1 Financial Regulations D2 Rules relating to Contracts D3 Procurement Governance Arrangements	Full Council
Part E – Scheme of Delegations	–	Cabinet and Full Council

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# Birmingham City Council Constitution

## Part B – Roles, Functions and Rules of Procedure

May 2021

(Draft April 2021)

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(Temporary Amendments made April 2020)¶  
(Additional Amendments made November 2020)¶



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## B1. ROLES

### 1.1 Citizens and the Council

#### Citizens' Rights

- i. Citizens have general rights with regard to the business of the Council. Their right to information and /or to participate in Council business is explained in more detail in Part C2: Meetings and Access to Information.

a) **Voting and petitions:** Citizens on the electoral roll for the area have the right to vote, and all citizens may present petitions.

b) **Information:** Citizens have the right to:

- o Attend meetings of the Council and to film, record and report the proceedings of Cabinet and Committees except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private (see Part C2 for rules on accessing meetings and C3 for rules on filming at meetings);
- o Find out from the Forward Plan which key decisions are likely to be taken and when;
- o See reports and background papers, and any records of decisions made by the Council and the Executive, except where confidential or exempt information is likely to be disclosed;
- o Inspect the Council's accounts during any prescribed statutory period(s) and make their views known to the external auditor; and
- o Such other information as may be specified in the Council's Freedom of Information Act 2000 Publication Scheme.

c) **Participation.** Citizens may ask questions at Full Council Meetings having given notice. Citizens may be granted the right, if invited to do so by the Chair of the relevant Committee, to participate and contribute to the discussion, except where confidential or exempt information is likely to be disclosed, and the meeting is held in private.

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d) **Complaints.** Citizens have the right to complain to:

- o The Council about service delivery;
- o The Ombudsman;
- o The Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct:

#### Citizens' Responsibilities

- ii. Citizens must not be abusive, threatening, insulting or violent towards Members and Officers and must not wilfully harm or damage property owned by or belonging to the Council, Members or Officers.

## 1.2 Members of the Council (Councillors)

### Composition and Eligibility

- i. *Composition*: The Council comprises 101 Members (otherwise called Councillors) serving 69 wards – 37 single member wards and 32 two-member wards.
- ii. *Eligibility*: Only eligible persons, as defined by elections law, will be permitted to hold the office of Councillor.

### Election and Terms of Councillors

- iii. Birmingham will hold all out elections to the Council every fourth year. The term of office of councillors will normally be four years and four days.

### Roles and Functions of all Councillors

- iv. Key roles:
  - a) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions for the City Council;
  - b) Contribute to the good governance of Birmingham and actively encourage community participation and citizen involvement in decision making;
  - c) Responsibility to represent the interests of all the residents of the City Council area with special responsibility to the residents of their Ward;
  - d) Respond to constituents' enquiries and representations, fairly, promptly and impartially;
  - e) Balance different interests identified within the Ward and represent the Ward;
  - f) Maintain high standards of ethical conduct and behaviour.
- v. Rights and duties:
  - a) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
  - b) Councillors will not publicise information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know.
  - c) For these purposes, "confidential" and "exempt" information are defined in Part C2 of the Constitution: *Access to Information* or as advised by the City Solicitor.

### Conduct

- vi. Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part C of this Constitution.



#### Allowances

- vii. Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme. The [Members Allowances Scheme](#) is Section C10 of the Constitution and can be found on the Council's website.<sup>1</sup>
- viii. Councillors receive allowances to support them in carrying out their work as elected representatives. The size of the allowance for the various Councillor roles is decided by the City Council. In taking this decision, the Council must consider a report from an Independent Remuneration Panel. The Terms of Reference for the Independent Remuneration Panel can be found in [Part B17 Independent Remuneration Panel](#).

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### 1.3 The Lord Mayor and the Deputy Lord Mayor

- i. The Royal Charter of 1896 conferred the right of the First Citizen in Birmingham to be "styled, entitled and called" Lord Mayor of Birmingham.
- ii. The Lord Mayor will be elected annually by the Council. Members who are nominated and elected to the Office of Lord Mayor do so on the understanding that they will serve a full term as Deputy Lord Mayor for the following Municipal Year.

#### Responsibilities

- iii. The Lord Mayor will have the following responsibilities:
  - a) To uphold and promote Birmingham, its Constitution, and to give rulings on the Constitution during Council Meetings;
  - b) To preside over meetings of the Council so that its business can be carried out in an effective, orderly and efficient manner and in the interests of the citizens of Birmingham;
  - c) To promote public awareness, knowledge and participation in the business of the Council.

#### Ceremonial Role

- iv. The Lord Mayor, as the "First Citizen of Birmingham", will uphold and preserve the dignity and honour of the office. In particular, the Lord Mayor will remain apolitical and attend civic and ceremonial functions.

#### Chairing the Council Meeting

- v. The Lord Mayor (and in his/her absence the Deputy Lord Mayor) will chair Full Council meetings, so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community.

<sup>1</sup> [https://www.birmingham.gov.uk/downloads/file/4222/members\\_allowances\\_scheme](https://www.birmingham.gov.uk/downloads/file/4222/members_allowances_scheme)

#### **Appointment of the Deputy Lord Mayor**

- vi. Should a Member due to take up the Deputy Lord Mayoralty fail to be re-elected to the City Council, or an incumbent is unable to complete his or her term, owing to ill health or similar disposition, the Party Group of the outgoing Deputy Lord Mayor will be asked to make an alternative nomination. This will be the last Member of their Group to hold the position of Deputy Lord Mayor prior to the outgoing Deputy Lord Mayor. Should that Member be unwilling to take up the Office, previous Lord Mayors of that Party will be approached, in reverse chronological order, until a Member willing to take on the role can be found.
- vii. Should the Party Group be unable to put forward an alternative name by this process, the Office shall then be offered to the previous Deputy Lord Mayor, regardless of their Party affiliation. If that individual is unwilling to assume the role, the previous Lord Mayors will be approached, again in reverse chronological order, until a Member, regardless of Party affiliation, willing to take on the role can be found.

#### **Consorts to the Lord Mayor and the Deputy Lord Mayor**

- viii. Whilst accompanying the Lord Mayor (or the Deputy Lord Mayor), the consort must support the work of the Lord Mayor (or the Deputy Lord Mayor) during his / her term of Office and uphold and preserve the dignity and honour bestowed upon the Lord Mayor (or the Deputy Lord Mayor) and the political impartiality of the Office.

### **1.4 The Leader of the Council**

- i. The Leader of the Council must be appointed by the Council and is appointed for a four year term or for up to the end of his / her term of office as a Member, whichever is shorter.
- ii. The Leader of the Council will hold office until:
  - a) S/he resigns from Office; or
  - b) S/he is disqualified from being a Councillor (although he/she may resume office at the end of the period of disqualification); or
  - c) S/he is no longer a Councillor; or
  - d) S/he is removed from Office by a resolution of no confidence passed by a simple majority resolution of the Council.
- iii. The Leader of the Council is empowered to make necessary in-year changes to the Cabinet Member Portfolios and appoint members of the Cabinet.
- iv. In the event of the post of the Leader of the Council becoming vacant for any of the reasons stated above, the Council shall appoint another Member of the Council to complete the remainder of the four year term of Office or up to the end of the new Leader's term of Office as a Member, whichever is shorter.
- v. If for any reason the Leader is unable to act, the Deputy Leader will act in his/her place.

vi. If for any reason:

- o the Leader is unable to act; and
- o the Deputy Leader is unable to act or the office of Deputy Leader is vacant

the Cabinet must act in the Leader's place, or arrange for a Cabinet Member to act in his/her place.

## 1.5 Cabinet Members

- i. Only Councillors may be appointed to the Cabinet. There may be no co-optees and no deputies or substitutes for Cabinet Members. Neither the Lord Mayor nor the Deputy Lord Mayor may be appointed to the Cabinet. Cabinet Members may not be Members of any Overview and Scrutiny arrangements although they are permitted to serve on the Regulatory Committees and Ward Forums.
- ii. Up to nine Cabinet Members may be appointed by the Leader of the Council and one should be designated as Deputy Leader. If it becomes necessary to appoint replacement(s) the Leader of the Council shall report his/her decision(s) at the next meeting of the Council. Cabinet Members shall hold office until:
  - a) They resign from Office or they are dismissed, either collectively or individually, by the Leader of the Council; or
  - b) They are disqualified from being Councillors (although they may resume office at the end of the period of disqualification); or
  - c) They otherwise leave or are required to leave office.
- iii. The decision-making role of Cabinet Members is set out in [B6 Executive Roles, Functions and Procedures](#).
- iv. The functions of individual Cabinet Members are set out in [B7 Cabinet Portfolios](#).

## 1.6 Cabinet Advisers

- i. Cabinet Advisers may be appointed by the Leader to support Cabinet Members. The positions will not receive a Special Responsibility Allowance and will not have any delegated decision-making authority. Cabinet Advisers will be invited to attend Cabinet as required.

## 1.7 Officers

- i. The title “Officers” refers to all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non-employed situations.
- ii. The Council’s “Officers” give advice to the Councillors, implement decisions and manage the day to day delivery of its services. All Officers must ensure that they act within the law when carrying out the Council’s work.
- iii. The Employee Code of Conduct for Officers can be found in Part C6 *Employee Code of Conduct*.
- iv. The Council is empowered to engage Officers to carry out its functions.

### Statutory Officers

- v. The Statutory Officers of the Council are as follows:
  - a) **Head of Paid Service (Chief Executive)** – This is the Chief Executive of the Council. The Council must approve the appointment of the Head of Paid Service before a final offer of appointment is made to him/her. The Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given to him/her (see Part C7 *Employee Procedure Rules – JNC Officers*).
  - b) **City Solicitor and Monitoring Officer**<sup>2</sup> – This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards Committee.
  - c) **Chief Finance Officer** – This role is responsible for ensuring the sound financial administration of the Council.
  - d) **Returning Officer and Electoral Registration Officer** – This will be the Assistant Director, Governance.
  - e) **Scrutiny Officer** – This role promotes the Overview & Scrutiny functions of the Council. This will be the Head of Scrutiny Services.

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### Council Leadership Team (CLT)

- vi. The full Council will engage persons for the following posts, who will be designated Chief Officer and will have the functions and responsibilities set out in Part E of this Constitution. The composition of CLT is a matter for the Chief Executive.
  - o Chief Executive (& Head of Paid Service<sup>3</sup>)
  - o Chief Finance Officer (& s151 officer<sup>4</sup>)

<sup>2</sup> Designated under Section 5 Local Government and Housing Act 1989

<sup>3</sup> Designated under Section 4 Local Government and Housing Act 1989

<sup>4</sup> Appointed in accordance with Section 151 Local Government Act 1972

- Assistant Chief Executive
- Director, Adult Social Care (& Director of Adult Social Services<sup>5</sup>)
- Director, Digital & Customer Services
- Director, Inclusive Growth
- Director, Education & Skills (& Director of Children's Services<sup>6</sup>)
- Director, Neighbourhoods
- City Solicitor
- Director, Human Resources
- Chief Executive, Children's Trust
- Programme Director, Commonwealth Games

vii. Further information regarding the Senior Leadership Team can be found [here](#).

#### **Member / Officer Relations Protocol**

- viii. Birmingham City Council is committed to promoting a culture that demonstrates its core values and behaviours. Members and Officers in conducting their working relationships with each other are expected to promote this culture and do so by acting in a respectful and professional manner. There is a high standard of conduct expected of both Members and Officers at all times.
- ix. Failure to follow the expected conduct by either Members or Officers is considered a serious issue by the Council and will be dealt with in accordance with the Council's policies and procedures and/or in accordance with the Member's Code of Conduct.
- x. The full Member / Officer Relations Protocol can be found in Part C5 *Member/Officer Protocol*.

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<sup>5</sup> Appointed under Section 6 Local Authority Social Services Act 1970

<sup>6</sup> Appointed under Section 18 Children Act 2004

## B2. RESPONSIBILITY FOR FUNCTIONS

### 2.1 Introduction

- i. Functions fall into the following categories:

#### 1. Local Choice Functions

- ii. These are functions which the authority may treat as the responsibility of the Executive (in part or whole) or as Council (non-executive) functions, at its discretion.
- iii. Section 2.2 sets out these functions and shows who is authorised to discharge them.

#### 2. Council (non-executive) Functions

- iv. These are functions which, under the law, cannot be the responsibility of the Executive. In some cases, such as adopting the Council's budget or the Policy Framework, only full Council may discharge the function. In other cases, the Council may delegate the responsibility for discharging a function to a committee or an officer.
- v. Section 2.3 sets out these functions and shows who is authorised to discharge them.

#### 3. Executive Functions

- vi. All other functions are executive functions. Decisions on these will be taken by the Executive, unless they are dealt with under joint arrangements or delegated to an officer.
- vii. Section B7: [Cabinet Portfolios](#) sets out how these functions are allocated and Section E sets out the *Scheme of Delegations* for officers.

### 2.2 Local Choice Functions

- i. Local Choice functions are those which the authority may treat as the responsibility of the Executive (in part or whole) or as Council (non-executive) functions, at its discretion. The table below sets out how these are treated in Birmingham.

Local Choice Functions <sup>7</sup>	Decision Making Body	Delegation of functions to Committees or officers
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Cabinet	The relevant Director for the function concerned.
To determine appeals against any decision of the authority <u>where there is a right of appeal to a council committee (this excludes matters where statutory arrangements exist)</u>	Council Business Management Committee	-

<sup>7</sup> Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

Local Choice Functions <sup>7</sup>	Decision Making Body	Delegation of functions to Committees or officers
To appoint review boards under the Social Security Act 1998 <sup>8</sup>	Full Council	City Solicitor
To make arrangements for appeals against exclusion of pupils from maintained schools	Cabinet	Director, Education and Skills OR the City Solicitor
To make arrangements for appeals regarding school admissions <sup>9</sup>	Cabinet	Director, Education and Skills OR the City Solicitor
To make arrangements for appeals by governing bodies against a decision of the Local Authority to admit a child to whom s.87 of the School Standards and Framework Act 1998 applies <sup>10</sup>	Cabinet	Director, Education and Skills OR the City Solicitor
To make arrangements for appeals by governing bodies	Cabinet	Director of Education and Skills
Any function relating to contaminated land <sup>11</sup> a) to the extent that the function involves the formulation of a strategic policy b) to the extent that the function does not involve the formulation of strategic policy	Cabinet  Council	Director, Neighbourhoods
The control of pollution or the management of air quality <sup>12</sup> a) to the extent that the function involves the formulation of a strategic policy b) to the extent that the function does not involve the formulation of strategic policy	Cabinet  Council	Director, Inclusive Growth
To serve an abatement notice in respect of a statutory nuisance <sup>13</sup>	Council	Licensing and Public Protection Committee  Director, Neighbourhoods

<sup>8</sup> s34(4) Social Security Act 1998

<sup>9</sup> S94(1), (1A) and (4) School Standards and Framework Act 1998

<sup>10</sup> S95(2) School Standards and Framework Act 1998

<sup>11</sup> Part IIA Environmental Protection Act 1990 and subordinate legislation

<sup>12</sup> Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

<sup>13</sup> s80(l) Environmental Protection Act 1990

Local Choice Functions <sup>7</sup>	Decision Making Body	Delegation of functions to Committees or officers
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area <sup>14</sup>	Council	Director, Neighbourhoods
To inspect the authority's area to detect any statutory nuisance <sup>15</sup> a) to the extent that the function involves the formulation of a strategic policy b) to the extent that the function does not involve the formulation of strategic policy	Cabinet  Council	Director, Neighbourhoods
To investigate any complaint about the existence of a statutory nuisance <sup>16</sup>	Council	Director, Neighbourhoods
To obtain information about interests in land <sup>17</sup>	Cabinet	Director, Inclusive Growth
To obtain particulars of persons interested in land <sup>18</sup>	Cabinet	Director, Inclusive Growth
To make agreements for the execution of highways works <sup>19</sup>	Cabinet	Director, Inclusive Growth
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Chief Executive
To appoint any individual to any office other than an office in which he is employed by the authority and to revoke any such appointment:  to the extent that appointments are to outside bodies in connection with functions which are the responsibility of the Executive  to the extent that appointments are not the responsibility of the Executive	Cabinet  Full Council	Chief Executive

<sup>14</sup> s8 Noise and Statutory Nuisance Act 1993

<sup>15</sup> s79 Environmental Protection Act 1990

<sup>16</sup> s79 Environmental Protection Act 1990

<sup>17</sup> s330 Town and Country Planning Act 1990

<sup>18</sup> s16 Local Government (Miscellaneous Provisions) Act 1976

<sup>19</sup> Section 278 Highways Act 1980



## 2.3 Council (Non-Executive Functions)<sup>20</sup>

Function	Decision Making Body	Delegation of functions to officers <sup>21</sup>
Functions relating to planning and development control  (Formulation of a strategic policy sits with the Executive, unless otherwise specified in legislation)	Planning Committee	Director, Inclusive Growth
Functions relating to licensing and registration  (Formulation of a strategic policy sits with the Executive, unless otherwise specified in legislation)	Licensing and Public Protection Committee	Director, Neighbourhoods
Adoption and revision of the Statement of Licensing Policy (Licensing Act 2003)	Full Council	-
Adoption and revision of the Statement of Gambling Policy (Gambling Act 2005)	Full Council	-
Functions relating to health and safety at work		Director, HR
Functions relating to Electoral Registration and the holding of elections	Council Business Management Committee	Returning Officer Electoral Registration Officer
Functions relating to name and status of areas and individuals including power to:  change the name of a county, district  confer title of honorary alderman  admit to be an honorary freeman	Council Business Management Committee	Chief Executive
Functions relating to Community Governance	Full Council / Council Business Management Committee	Chief Executive
Power to make, amend, revoke or re-enact byelaws	Full Council	-

<sup>20</sup> <http://www.legislation.gov.uk/ukxi/2000/2853/schedule/1/made>

<sup>21</sup> As set out in Part E: Scheme of Delegations

Function	Decision Making Body	Delegation of functions to officers <sup>21</sup>
Power to promote or oppose local or personal Bills	Full Council	-
Functions relating to pensions and power to make payments or provide other benefits in cases of maladministration etc	Council Business Management Committee	Chief Finance Officer
To make arrangements for proper administration of financial affairs etc <sup>22</sup>	Audit Committee	Chief Finance Officer
Budget and Policy framework <sup>23</sup> To amend, modify, revise, vary, withdraw or revoke any plan or strategy detailed in the policy framework. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	Full Council	Chief Finance Officer and Assistant Chief Executive
Constitution <ul style="list-style-type: none"> <li>To adopt / amend this Constitution</li> <li>Power to make standing orders</li> <li>Power to make standing orders as to contract</li> </ul>	Full Council	City Solicitor
Discharge of Functions To make arrangements for the appointment of Committees and discharge of Council's functions	Full Council	City Solicitor
Appointment to Outside Bodies To appoint representatives to outside bodies unless the appointment is an Executive function or has been specifically delegated by the Council	Full Council	-
Members Allowances Scheme	Full Council	City Solicitor

<sup>22</sup> Item 39 of Para. I of Schedule 1 of the 2000 Regulations

<sup>23</sup> Regulation 4(4) of the 2000 Regulations

Function	Decision Making Body	Delegation of functions to officers <sup>21</sup>
To make, amend, revoke or replace a Members' allowances scheme		
Functions to be discharged by the authority, by virtue of other enactments <sup>24</sup>  To discharge any function which by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may be discharged only by an authority.	Full Council	-
To appoint officers for particular purposes (appointment of proper officers) <sup>25</sup>	Full Council	Each Director is appointed as the Proper Officer for matters within his/her remit. The Chief Executive is appointed as the Proper Officer for the purpose of any other matter
To designate an officer as the head of the authority's paid service, and to provide staff etc <sup>26</sup>	Full Council	The Chief Executive is appointed as Head of Paid Service
To designate an officer as the Monitoring Officer, and to provide staff etc <sup>27</sup>	Full Council	The City Solicitor is appointed as the Monitoring Officer
To adopt, revise or replace a Members' Code of Conduct <sup>28</sup>	Full Council	City Solicitor
Exercise the administrative powers and duties of Full Council (as Trustee) in relation to all trusts for which the Council is sole trustee	Trusts & Charities Committee	City Solicitor
Miscellaneous functions:  Power to create footpaths and bridleways.  Power to stop up footpaths and bridleways.  Power to divert footpaths and bridleways.	-	Director, Inclusive Growth

<sup>24</sup> Regulation 2(11) of the 2000 Regulations

<sup>25</sup> Item 40 of Para. I of Schedule 1 of the 2000 Regulations

<sup>26</sup> Item 43 of Para I of Schedule 1 of the 2000 Regulations

<sup>27</sup> Item 44 of Para I of Schedule 1 of the 2000 Regulations

<sup>28</sup> Section 28 Localism Act 2011

Function	Decision Making Body	Delegation of functions to officers <sup>21</sup>
Duty to assert and protect the rights of the public to use and enjoyment of highways.  Powers relating to the removal of things so deposited on highways as to be a nuisance.  Duty to keep a definitive map and statement under review.  Duty to reclassify roads used as public paths.  Powers relating to the preservation of trees.  Powers relating to the protection of important hedgerows.  Power to make limestone pavement order.		

## B3. DECISION MAKING

### 3.1 Who Can Take Decisions in the Council?

- i. One of the primary purposes of the Constitution is to make it clear where responsibility for a particular function lies, and which person or body (Full Council, Committee, Sub-Committee, Executive (whether acting individually or collectively) or Officer) makes the decision that will result in an action being taken or not taken.

#### A) Council Decisions

- ii. Council Decisions are made in relation to Council functions, as defined by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended; and in accordance with section B4 [Full Council Roles, Functions and Procedure Rules](#) of this Constitution.
- iii. Some functions are delegated to [Council Business Management Committee](#) in accordance with section B5 of this Constitution, or to officers as set out in Part E Scheme of Delegations.

#### B) Executive Decisions

- iv. Executive Decisions are made in relation to Executive functions, as defined by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended; and in accordance with section B6 [Executive Roles, Functions and Procedure Rules](#) of this Constitution.
- v. There are three types of Executive decision in Birmingham:
- Key Decisions (see paragraph [vi-vii](#) below);
  - Cabinet Member decisions based on a Chief Officer report (see paragraph [ix](#) below);
  - An executive decision delegated to officers (see paragraph [xii](#) below).
- vi. A decision will be a “**key decision**” if:
- a) it is an Executive decision relating to the discharge of an Executive function
- b) AND is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant:
- In the case of capital projects, if they involve entering into new commitments and/or making savings in excess of £1M; or
  - In the case of revenue projects, if they involve entering into new commitments and/or making new savings at the value of, or in excess of, £500,000 (gross value).
- OR is significant in terms of its effect on communities living or working in an area comprising two or more Wards in the area of the local authority.
- vii. “Key decisions” must be taken by **Cabinet** acting jointly and in accordance with the provisions of this Constitution as set out in B6.2 [Cabinet](#).

viii. The following shall be exempt from the definition of a key decision<sup>29</sup>:

a) Any decision where the expenditure, saving or income will result from:

- o A Treasury Management decision in relation to the making, payment or borrowing of a loan or investment in accordance with the treasury management strategy and policy (see [B4.2i b](#));<sup>30</sup> or
- o A decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process;<sup>31</sup> or
- o A decision to approve a care plan which the Council has a duty or power to provide as defined by s25 of Care Act 2014, s46 of National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970; or ss17 and 20 Children Act 1989;<sup>32</sup> or
- o The settlement of proceedings to which Birmingham City Council is a party<sup>33</sup>; or
- o An urgent decision necessary out of office hours taken in accordance with the Council's Emergency Management Plan by the Officer acting at Gold or Silver level at the relevant time<sup>34</sup>;

b) Any decision which is a direct consequence of implementing a previous Key Decision as set out in that report (including where specifically set out as a delegation in a Cabinet report).

c) Any decision covered by the specific delegations set out in Part D3 (Procurement Governance Arrangements) or Part E3.2 of the Constitution (Chief Officer Delegations).

ix. Executive decisions at or above the Chief Officer limit of £200,000 and under £500,000 (revenue) or £1m (capital) are taken by **Cabinet Members** based on reports from Chief Officers as set out in B6.5 [Cabinet Member and Chief Officer Decision Making](#).

x. Executive decisions may also be taken by a [Cabinet Committee](#).

#### **C) Committees**

xi. Committees will exercise the functions set out in Sections B12-15 (regulatory), and section B11 (Overview & Scrutiny) of the Constitution.

<sup>29</sup> Decisions falling within these exemptions shall be treated as officer delegated decisions following consultation with the relevant Cabinet Member. The Chief Officer must notify the Chief Finance Officer in writing, of the circumstances and financial impact and report formally to the relevant Cabinet Member.

<sup>30</sup> To be reported to Cabinet in the Quarterly Finance Monitoring reports

<sup>31</sup> To be reported to Cabinet in the Quarterly Finance Monitoring reports

<sup>32</sup> To be reported in the half yearly delegations reports (see [B6.8](#))

<sup>33</sup> See Part A: *Finance, Contract and Legal Matters – Legal Proceedings*; to be reported to the Deputy Leader as required

<sup>34</sup> To be reported to the Cabinet as required

#### D) Officers

- xii. Officers will exercise executive or non-executive functions as delegated by Cabinet or by City Council, or as set out in Part E (Scheme of Delegations) of the Constitution.

#### E) Ward Forums

- xiii. Ward Forums will exercise the functions set out in Section B10.

#### F) Urgent Decisions

- xiv. In an urgent situation, an executive decision may be agreed by the Chief Executive following consultation with the Leaders of the Political Groups.

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- xv. An urgent decision is defined as one which could not reasonably have been foreseen or anticipated prior to the most recent Cabinet or Committee meeting, and which needs to be considered before the next meeting of the Cabinet/Committee. Decisions made under this provision will be reported to the next meeting of the Cabinet/Committee.

### 3.2 Principles of decision-making

- i. Good decision making involves the realistic evaluation of alternatives and public consultation, including public access to decision-making. All decisions of the Council will be made in accordance with the following guiding principles:
- a) Legality/power to make decisions;
  - b) Proportionality (i.e. the action must be proportionate to the desired outcome);
  - c) A proper consideration of available options for action and/or inaction;
  - d) Due consultation and the taking of professional advice from Officers;
  - e) Due regard to the public sector equality duty and respect for human rights;
  - f) A presumption in favour of openness and transparency of decision making;
  - g) Clarity of aims and desired outcomes (including giving reasons for the decision); and
  - h) Avoidance of conflicts of interest.

### 3.3 General Roles and Responsibilities of Members and Officers

- i. The effect of these arrangements is that Members set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas. Directors and their staff implement these strategies and policies by delivering services and major initiatives. It is officers, therefore, who have responsibility for managing the Council's day to day operations, within a policy and budgetary framework laid down by Members.

- ii. For further information on the Member Officer Protocol and Codes of Conduct, see Part C of this Constitution.



## **B4. FULL COUNCIL ROLE, FUNCTION AND PROCEDURE RULES**

### **4.1 Role of the Full Council**

- i. The Full Council's primary role is to consider and approve the Council's Policy Framework and Annual Budget and to appoint the Leader of the Council. The Full Council also holds to public account the Members of the Executive, Overview & Scrutiny and Regulatory Committees.
- ii. Some functions are delegated to [Council Business Management Committee](#) (Section B5).
- iii. The meeting of the Full Council will be conducted in accordance with the rules of procedure set out below (see section 4.2).

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#### **Policy Framework**

- iv. The Policy Framework means the policies, plans or strategies to be approved or debated by the Full Council as set out below:
  - a) Annual Budget and Pay Policy
  - b) Those required by the Local Authorities (Functions and Responsibilities) (England) 2000 to be adopted by the Council<sup>35</sup>:
    - o Community Safety Strategy<sup>36</sup>
    - o Statement of Licensing Policy under the Licensing Act 2003
    - o Statement of Licensing Principles under the Gambling Act 2005<sup>37</sup>
    - o Plans and strategies which together comprise the Development Plan
    - o Youth Justice Plan<sup>38</sup>
  - c) Other plans and strategies adopted by the City Council:
    - o Birmingham City Council Plan
  - d) Housing Land Transfer: the approval or adoption of applications (whether in draft form or not) to the Secretary of State to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
  - e) Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time. These should include those plans or strategies that:
    - o Are significant in terms of the effect on communities living or working across all wards;
    - o Commit the Council to significant expenditure over and above that already in the budget or over a long period of time;

<sup>35</sup> Some elements of the 2000 Regulations have been repealed by subsequent legislation.

<sup>36</sup> This fulfils the requirement to produce a Crime and Disorder Reduction Strategy

<sup>37</sup> This is the policy statement under the Gambling Act 2005

<sup>38</sup> Section 40 Crime and Disorder Act 1998

- Are significant in terms of its effect on the council's priorities;
  - Have regional or national significance.
- v. A forward plan of policies, plans or strategies to be considered by Full Council will be published at each Council Business Management Committee meeting.

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## 4.2 Functions of the Full Council

- i. Only the full Council will exercise the following functions:
  - a) Adopting and approving changes to the Constitution (as set out in Part A, Annex A);
  - b) Approving the overall revenue budget, the allocations of revenue resources to Directorates, the initial capital programme at the commencement of each year, the level of Council Tax and Council Tax support, the Prudential indicators, the Prudential borrowing limit, the treasury management strategy and policy;
  - c) Making decisions on matters which could have been (but were not) covered by the Policy Framework;
  - d) Electing the Leader of the Council every four years or as and when required;
  - e) Agreeing and/or amending the terms of reference for committees (other than Cabinet Committees), deciding on their membership and making appointments to them, including the Chair, subject to the legal rules regarding proportionality between the different political parties;
  - f) Appointing representatives to outside bodies unless the appointment is an Executive function or has been specifically delegated by the Council;
  - g) Adopting and revising a Member Code of Conduct;
  - h) To make, amend, revoke or replace a Members' allowances scheme;
  - i) Changing the name of the district;
  - j) Conferring the title of Honorary Alderman or Freedom of the City;
  - k) Confirming the appointment of the Head of Paid Service/Chief Executive;
  - l) Approving the dismissal of the Head of Paid Service/Chief Executive, Chief Finance Officer and Monitoring Officer;
  - m) To appoint an electoral registration officer and returning officer for local government elections;
  - n) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or private Bills;
  - o) Receiving statutory officer reports of the Monitoring Officer, Section 151 officer and Head of Paid Service and other external auditor public interest reports;

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p) Receiving and considering reports referred to it from Cabinet Members, Overview and Scrutiny Committees, the Council Business Management Committee and the Standards Committee; and

q) All other non-executive matters which by law must be reserved to Council.

ii. ~~Other non-executive matters are delegated to Council Business Management Committee or any of its sub-committees or to other committees.~~

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iii. **Recorded vote on the Council's budget and council tax:** In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be taken at Full Council and Cabinet on any vote in respect of the Council's budget and council tax. The names of Members who voted for or against such a decision or abstained shall be recorded and entered into the minutes of the relevant meeting. A recorded vote shall also be taken on any proposed amendments in relation to the budget and council tax.

iv. Full Council sitting as "Council as Trustee" will be responsible for decisions concerning the use and/or disposal of charity property and assets, and will delegate the management of any City Trust to the [Trusts and Charities Committee](#) (section B15), with assistance from the Legal Services Team as and when required.

### 4.3 Appointments Reserved to the Full Council

Committee	No. Appointed
Local Government Association (General Assembly)	4
West Midlands Fire & Rescue Authority	10
West Midlands Police and Crime Panel	3
West Midlands Shareholders Airport Committee	1 plus 2 observers
Departmental Consultative Committees	1 on each
National Association of Councillors	1
Joint Scrutiny Committee for Supervisory Board of the Greater Birmingham and Solihull Local Enterprise Partnership	1
West Midlands Combined Authority (WMCA) Board (and Boards as required)	1 (and to Boards as required)
WMCA Overview and Scrutiny Committee	3
Transport Delivery Committee	7
WMCA Audit, Risk & Assurance Committee	1
WM Growth Company – Board of Directors	1
Interim Standing Advisory Council on Religious Education	8
City Housing Liaison Board	3
Safety at Sports Grounds Advisory Groups	Up to 4 members per group <sup>39</sup>

- v. Information on appointments to other outside bodies can be found in Section B8 [Appointments to Outside Bodies](#).

### 4.4 Council Procedure Rules

#### A. Annual Meeting

- i. In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.
- ii. The annual meeting will:
- Receive the annual report of the outgoing Lord Mayor;
  - Elect the Lord Mayor;
  - Make a presentation to the retiring Lord Mayor and Consort;
  - Appoint the Deputy Lord Mayor;
  - Agree the allowances to be made to the Lord Mayor and the Deputy Lord Mayor in office;

<sup>39</sup> Appointments must be in line with agreed policy

- Approve a programme of ordinary meetings of the Council for the year;
- Receive a report from the Returning Officer of the persons elected Councillors of the City at the last election and the making of the declarations of acceptance of office (if applicable);
- Receive the Lord Mayor's announcements and such communications as the Lord Mayor may wish to place before the Council.
- Elect the Leader (every four years or as required) and receive an announcement of Cabinet Members and Cabinet Advisers (as required);
- Receive and deal with petitions in accordance with this Constitution;
- Consider any recommendations made by the Council Business Management Committee;
- Make appointments to Committees and other bodies for the period of the municipal year; and
- Consider any business set out in the notice convening the meeting.

#### **B. Ordinary Council Meeting**

- i. All ordinary meetings shall be held at the **Council House, Birmingham**, at **2.00pm**, unless Full Council or Council Business Management Committee decides otherwise.
- ii. The order of business and the indicative timescales at every ordinary meeting of the Full Council shall usually be:

Standard Item	Time Limits	Indicative Timetable
Minutes, Lord Mayor's Announcements	10 minutes for Lord Mayor's Announcements - no presentations.	2.00 – 2.10 p.m.
Petitions	10 minutes	2.10 – 2.20 p.m.
<b>Holding to Account</b>		
Question time	70 minutes Questions from members of the public to any Cabinet Member or Ward Forum Chair <sup>40</sup> . Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair. <sup>4</sup> Questions from Councillors other than Cabinet Members to a Cabinet Member. <sup>41</sup> Questions from Councillors other than Cabinet Members to the Leader or Deputy Leader. <sup>5</sup>	2.20 – 3.30 p.m. 20 minutes 1 minute for each question 2 minutes for each answer 10 minutes 1 minute for each question 2 minutes for each answer 20 minutes 1 minute for each question 3 minutes for each answer 20 minutes 1 minute for each question 3 minutes for each answer
Executive Business Report / Scrutiny Business Report / Lead Member Report	45 minutes 7 minutes presentation 4 minutes per speaker 5 minutes to respond	3.30 – 4.15 p.m.
BREAK	(the Lord Mayor should have the flexibility to call this earlier or later as the meeting progresses)	4.15 – 4.45 p.m.
<b>Policy Development / Council Business</b>		
Policy Framework Plans; inquiry reports from Scrutiny; reports from CBM or the Executive; appointments; petition debates	60 minutes 7 minutes presentation 4 minutes per speaker 5 minutes to respond	4.45 – 5.45 p.m.
<b>Members' Debate</b>		
Motions submitted by individual Councillors rotated equally between the political groups as determined by CBM	Motions for debate – 7 minutes presentation 4 minutes per speaker 5 minutes to respond	5.45 – 7.15 p.m.

- iii. The business under any notice on the meeting agenda shall not proceed in the absence of the Member under whose name it is proposed, unless they have given authority in writing for it to be taken up by some other Member or Members of the Council;

<sup>40</sup> Where the Chair is not a councillor, the question may be directed to the ward councillor to answer on behalf of the resident Chair.

<sup>41</sup> Each Councillor may ask one question and one supplementary question

- iv. The time allowed for speeches shall be up to 7 minutes for the mover of a Motion or Amendment to the Motion, with up to 4 minutes each for other Members wishing to participate in the debate and a right of reply for the mover of the Motion only of up to 5 minutes.
- v. The Lord Mayor shall have the discretion to allocate unused time to the next item, with the proviso that each item should start no later than the time indicated on the agenda.
- vi. The order of business and the time limit allocated to items on the Agenda may be varied by agreement of the three political groups at Council Business Management Committee or, in the absence of such agreement, by a resolution passed on a Motion which, after being moved and seconded, shall be put to the vote without discussion.
- vii. A motion to extend the time of the meeting may only be moved by the Leader or Deputy Leader (or their nominee) of one of the Party Groups and seconded by the Leader or Deputy Leader (or their nominee) of another Party Group.
- viii. If a meeting of the Council has not come to an end by 7:15p.m and there are items remaining on the agenda, the following procedure shall apply:
  - At the conclusion of the speech then being delivered, the Lord Mayor shall allow the mover of the motion then under debate to exercise his/her right of reply and shall then put the motion to the vote;
  - In respect of any remaining items of business, the Lord Mayor shall allow motions to be moved and seconded formally (without comment) and shall forthwith put the motions to the vote without discussion; and
  - The Lord Mayor shall then close the meeting.
- ix. Question time (including questions from the public) and motions for debate submitted by individual Councillors will be excluded from the agenda at the Annual Meeting and the Annual Budget Meeting of the Council.

#### C. Extraordinary Meetings of the Council

- i. Extraordinary meetings of the Council are meetings that take place in addition to an Ordinary Meeting or the Annual Meeting. These may be called by:
  - Resolution of the Council;
  - The Lord Mayor;
  - The Chief Executive and the City Solicitor acting together;
  - Petition of any five Councillors to the Lord Mayor.
- ii. The City Solicitor shall, in calling an Extraordinary Meeting of the Council, restrict the business on the summons to that required by law, any matter or matters that the Chief Executive, Monitoring Officer or Chief Financial Officer wish to raise and the business for which the Extraordinary Meeting has been called. Such business should be relevant to any

of the Council's Policy Framework Plans and/or the Budget Framework and urgent, so cannot be dealt with at the next scheduled meeting.

- iii. The City Solicitor in consultation with the Lord Mayor shall determine the time and day of any Extraordinary Meeting in accordance with the Constitution and following consultation with the group leaders, but shall endeavour to arrange any such meeting to be held, where reasonably practical, at 2:00 pm on a Tuesday, within 10 working days of the request being received, subject to any statutory requirements.

#### **D. Record of Attendance and Quorum**

- i. The Monitoring Officer shall record the attendance of Councillors.
- ii. A Quorum is 30 Councillors.
- iii. If during any meeting of the Council, any Member draws to the attention of the Lord Mayor that there does not appear to be a quorum present, the Lord Mayor shall direct the Chief Executive to call over the names of the Members of the Council. If there are fewer than 30 members present, the Lord Mayor shall declare the meeting adjourned. The names of the Members present and those absent shall be recorded in the minutes of the Council.

#### **E. Petitions**

- i. Every petition to the Council meeting shall be in writing presented by a Councillor.
- ii. A Councillor presenting a petition, or the Lord Mayor (on behalf of Councillors who have submitted their petitions to the Monitoring Officer in advance of the meeting), may move without comment that the petition(s) be received and referred to the relevant Chief Officer(s) to examine and respond appropriately.
- iii. At each meeting of the City Council, the Monitoring Officer shall ensure that an "Update Report" is electronically available for Members providing relevant details on the progress, or otherwise, of any petitions received by the City Council since the last Annual General Meeting. Where a petition has been discharged, the Update Report does not need to mention the same.<sup>42</sup>

#### **F. Questions (Oral and written)**

- i. **All questions**, whether oral or written, must:
  - Refer to an issue which affects Birmingham or its residents, or falls within the Council's responsibilities;

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<sup>42</sup> Petitions in response to licence applications are subject to a statutory process. They must be served upon the Licensing Service without delay in order to ensure statutory deadlines are complied with. They may still be presented to the meeting.



- Not be defamatory, frivolous, vexatious or offensive;
  - Not require the disclosure of confidential or exempt information, or refer to legal proceedings being taken or being anticipated by or against the Council;
  - Not refer to individual planning or licensing matters, or any matter of a personal nature.
- ii. **Written Questions:** any Councillor may ask one written question (with no sub-questions) of any Cabinet Member, Committee Chair, Ward Forum Chair<sup>43</sup>, Lead Councillor for a West Midlands Joint Authority or Ward Forum Chair by submitting the question by email to the Monitoring Officer by no later than 1200 hours on the Tuesday prior to the day of the Council meeting (except at the Council's AGM). A copy of each such question and the written answer shall be supplied to every Councillor at the start of the Council meeting and shall also be annexed to the Minutes of the meeting.
- iii. **Oral Questions – Questions from Members of the Public:** Except at the Annual Meeting and the budget meeting, a member of the public may ask one oral question of any Cabinet Member by submitting the question in writing to the Monitoring Officer no later than 12 noon on the Friday before the Council meeting. No question will exceed 1 minute and no answer will exceed 2 minutes. Members of the public may ask questions as set out in the order of business and in accordance with these rules of procedure. The question must not be substantially the same as a question which has been put at a meeting of the Council in the past 6 months.
- iv. **Oral Questions – Questions from Councillors:** Except at the Annual Meeting and budget meeting, Councillors may ask questions as set out in the order of business above and in accordance with these rules of procedure.
- v. The Leader of the Opposition will be called first to put their question at oral questions with the leaders of other groups also called during the session.

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#### G. Notices of Motions

- i. A motion to be submitted to the Council **must:**
- Be relevant to any of the Council's Policy Framework Plans and/or the Budget Framework.
  - Be relevant to some matter in relation to which the Council has powers or duties or which affects Birmingham or its residents;
  - Not seek to take a decision in respect of a matter which is the responsibility of the Executive (other than to make a recommendation);
  - Not require the disclosure of confidential information or refer to legal proceedings being taken or being anticipated by or against the Council.

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<sup>43</sup> Where the Chair is not a councillor, the question may be directed to the ward councillor to answer on behalf of the resident Chair.

- ii. The order of motions submitted for each ordinary meeting will be determined by the Council Business Management Committee at the start of each municipal year. This will be set out on the agenda for each meeting.
- iii. A motion must be in writing and signed by two members and must be delivered to the Monitoring Officer at any time between the end of the previous ordinary Council meeting and seven clear working days before the Council meeting at which it is to be debated.
- iv. These are then reviewed by the Monitoring Officer who will seek appropriate amendments from the proposer of the Motion, so as to ensure compliance with any legal and/or constitutional aspects. In the event that the proposer is unable to agree, the proposed Motion will not appear on the agenda for the Council meeting.
- v. If, at any time during the debate on any Motion before the Council, it appears to the Lord Mayor that the motion (in its original, modified or amended form) would, if carried:
  - have the effect of materially increasing the expenditure, or materially decreasing the revenue, of the Council; or
  - involve capital expenditure not provided for in the Council's approved capital budgetthe Lord Mayor will direct that the motion shall stand adjourned without further debate in order that the Executive may consider any financial, policy or other implications of the motion and request the Executive to submit its recommendations to a future meeting of the Council.
- vi. Two motions for debate will be accepted at each ordinary meeting. No motions for debate under this rule of procedure are permitted for the meeting of the City Council reserved for the Annual Budget debate and at the Annual Meeting.

#### H. Amendments to Motions

- i. The Lord Mayor may permit amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the business of the Council.
- ii. An amendment shall be relevant to the motion and shall be –
  - To leave out specified words; or
  - To insert or add specified words; or
  - To refer a subject of debate to the Executive or to a committee for consideration or re-consideration.but any omission, insertion or addition of words shall not result in substance in a direct negation of the motion before the Council.
- iii. Every amendment shall, unless the Lord Mayor otherwise indicates, be put into writing, signed by the mover and delivered to the Monitoring Officer before it is moved.

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- iv. At the Annual Budget meeting, the main opposition group's amendment should be taken first.
- v. Once voting on any motion or amendment has commenced, there shall be no further debate on the matter under consideration and no further amendments may be moved to the original motion. If an amendment is carried, the motion, as amended, shall take the place of the original motion.
- vi. Not every debating possibility has been covered by these Rules of Procedure and, in the event of anything not being covered in Rules of Procedure, the Lord Mayor's ruling on the matter shall be final and binding on the Council.

#### **I. At the meeting**

- i. A motion or amendment shall not be discussed unless it has been proposed and seconded and is in accordance with these Rules of Procedure.
- ii. Every motion and amendment, except when set out on the agenda or when copies have been supplied to each member at the commencement of the meeting (in which case the motion or amendment shall be taken as read), shall be read by the mover before being spoken upon and no other member shall speak on it until it has been seconded.
- iii. The Motion will be withdrawn from the Agenda if the proposer is not present at the time that it is due to be considered.
- iv. Any member who seconds a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later stage of the debate on that motion or amendment.
- v. A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
  - To speak once on an amendment moved by another member;
  - To exercise a right of reply (in the case of the member moving the motion);
  - On a point of order as defined in these Rules of Procedure;
  - By way of personal explanation as defined in these Rules of Procedure.

#### **J. Points of Order**

- i. A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith:
  - A point of order shall relate only to an alleged breach of a Rule of Procedure or statutory provision and the member shall specify the Rule of Procedure or statutory provision and the way in which he/she considers it has been broken.

- A personal explanation shall be confined to some material part of a former speech by him/her in the Council Chamber or in relation to a matter outside of the Council Chamber, which may appear to have been misunderstood in the present debate.
- ii. The ruling of the Lord Mayor on a point of order or on the admissibility of an explanation shall not be open to discussion and shall be final. No points of information are permissible under these Rules of Procedure.
- iii. When a motion is under debate no other motion shall be moved except the following:
  - to amend the motion;
  - to proceed to the next business;
  - to adjourn;
  - that the question be now put;
  - that a member (named) under Section M below be not further heard or do leave the meeting;
  - to suspend the rules of procedure;
  - to exclude the public under S.100(A) of the Local Government Act 1972;
  - to re-admit the public.

#### K. Voting

- i. Motions shall be determined (as the Lord Mayor may direct) by a show of hands.
- ii. A recorded vote will take place where a vote is required to be recorded by law, or if, after a vote has been taken by a show of hands, a “named vote” is requested by at least 10 members rising in their place. The following procedure shall then apply:
  - the division bell will be rung for one minute;
  - the doors of the Council Chamber will then be closed;
  - the names of those voting for or against or abstaining will then be ascertained by the use of the vote recorder and included in the Minutes.
- iii. Subject to the provisions of any enactment all voting will be decided by a majority of members present and voting.
- iv. The Chair shall, in case of an equal division of votes, have a second or casting vote.

#### L. Urgent business

- i. Urgent business may be moved or raised at the meeting with the prior agreement of the Lord Mayor.
- ii. Any amendments to urgent business to be moved at Council must be in writing and received by the Monitoring Officer at least 30 minutes prior to the start of the meeting.

- iii. Urgent business is defined as business which could not reasonably have been foreseen or anticipated prior to the deadline for the publication of the agenda and which needs to be considered before the next meeting of the Council.

#### **M. Conduct at meetings of the Council**

- i. Councillors are expected to treat each other with respect and abide by the Code of Conduct.
- ii. The Lord Mayor may, as she/he sees fit, direct a Councillor to discontinue his/her speech.
- iii. If there is more general disorder, the Lord Mayor may direct a Councillor causing such disorder to retire from the meeting.

#### **N. Disturbance by members of the public**

- i. If a member or members of the public present at a meeting of the Council interrupt(s) the proceedings, the Lord Mayor may warn them that on any further interruption they will be required to retire from the Chamber. If the member(s) of the public, after such warning, again interrupt(s) the proceedings the Lord Mayor may instruct them to retire from the Council Chamber and if they fail to comply the Lord Mayor may order their removal from the Chamber.

#### **O. Appointments of Committees**

- i. On the recommendation of Council Business Management Committee, the Council shall establish Committees necessary for the discharge of the Council's functions, along with the membership and Chair of each, for a period ending no later than the next annual meeting of the Council.

#### **P. Conflict resolution between Full Council and the Executive**

- i. The Leader must have at least 5 working days to object to a full Council decision which is contrary to the Executive's proposals for either the budget or a plan or strategy before that decision takes effect.
- ii. If the Leader registers an objection, the full Council must meet to reconsider the issue in light of the objection; ultimately, full Council can insist on its decision.

#### **Q. Previous Decisions**

- i. Decisions of the Council made within the last six months may not be changed, unless these Rules of Procedure are suspended.

- ii. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months cannot be moved, unless this rule is suspended.

#### **R. Suspension of Council Rules of Procedure**

- i. Council rules of procedure (Part B, Section 4.4 of this Constitution) may be suspended by resolution of the Council, provided that a motion to extend the time of the meeting may only be moved by the Leader or Deputy Leader (or their nominee) of one of the Party Groups and seconded by the Leader or Deputy Leader (or their nominee) of another Party Group.

#### **S. Urgency**

- i. An urgent decision which is contrary to the policy framework or which would be contrary or not wholly in accordance with the budget or the capital plan may be taken by the Executive if the chair of a relevant overview and scrutiny committee agrees that the decision may reasonably be regarded as urgent in the circumstances.<sup>44</sup> This should only happen if it is impractical to convene a quorate meeting of the full council in the time available before the decision must be made.
- ii. An urgent decision is defined as one which could not reasonably have been foreseen or anticipated prior to the most recent Council meeting, and which needs to be considered before the next meeting of the Council. Decisions made under this provision will be reported to the next meeting of the Council.

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<sup>44</sup> The regulations require the agreement of only one relevant overview and scrutiny committee chair.

## B5. COUNCIL BUSINESS MANAGEMENT COMMITTEE ROLE AND PROCEDURE

### 5.1 Role of Council Business Management Committee

- i. The purpose of the Council Business Management Committee is to support the Council's non-executive functions as delegated by Full Council, and in particular:
- ii. Meetings of the full Council
  - o To be responsible for the planning and preparation of the agenda, papers and other arrangements for meetings of the Council.
  - o To submit recommendations to the Council concerning the appointment of committees and other bodies and their functions and membership. In cases of urgency to make appointments or nominations, or amendments to quoracy, subject to reporting the details to the next Council meeting for information.<sup>45</sup>
- iii. Council Appointments to Outside Bodies
  - o To submit recommendations to the Council as to the appointment or nomination of persons to serve on outside bodies. In cases of urgency to make appointments or nominations, subject to reporting the details to the next Council meeting for information.
- iv. Civic/Ceremonial
  - o To submit recommendations to the Council as to the conferment of rights and privileges (Honorary Alderman, Freedom of the City) and to consider and determine applications to use the City's Coat of Arms.
- v. Constitutional Matters
  - o To keep the Council's Constitutional arrangements under review and to approve any in year minor changes relating to the non-Executive arrangements of the Constitution, and to submit recommendations to the Council as to major changes to the Constitution and the adoption of new or amended Standing Orders/ Rules of Procedure.
- vi. Members' Services and Allowances
  - o To be accountable for all aspects of services to Members.
  - o To keep under review the Council's Allowances Scheme and all other matters relating to Members' allowances.
  - o To oversee the Council's relationship with the Independent Remuneration Panel and to submit recommendations to the Council as to both the operation and membership of the Panel.

Commented [EW1]: Propose remove – no longer needed

<sup>45</sup> Temporary Amendment Agreed by Full Council 28 April 2020, which will expire no later than 25 May 2021

vii. Electoral Matters, Parish Councils & Boundary Changes

- o To discharge the Council's various electoral duties under the Representation of the People Acts.
- o To discharge the Council's functions in relation to parishes and parish councils;
- o To discharge the Council's functions under the Local Democracy, Economic Development and Construction Act 2009 (relating to boundary reviews and alterations) and related Local Government legislation.

Deleted: Part IV of the Local Government Act 1972 and Part II of the Local Government Act 1992

viii. Financial & Other Matters

- o To consider any recommendations from the Audit Committee relating to the discharge of the Council's duty, under the Accounts & Audits Regulations 2015.
- o To discharge the Council's functions, relating to pensions, under the Superannuation Acts.
- o To authorise the making of payments, under Section 92 of the Local Government Act 2000, on account of maladministration.
- o Foreign travel by Members and Officers of the Council will be reported on a quarterly basis.

ix. Terms and Conditions of Employment

- o Holding management to account for implementing agreed terms and conditions of employment of staff.
- o Agreeing any changes to terms and conditions of employment (the Birmingham Contract).
- o Holding management to account for the effective consultation and negotiation with employees and representatives of regional and national bodies in connection with terms and conditions of employment.

## 5.2 Membership

- i. Members are appointed by Full Council. Chairs are appointed by the Full Council. Membership shall include the Chair of the Co-ordinating O&S Committee.

## 5.3 Sub-Committees

- i. The following Sub-Committees of the Council Business Management Committee are approved for the current Municipal Year:

- Miscellaneous Appeals Sub-Committee;

Deleted: – to determine non-personnel appeals and reviews

- o To consider any appeal under the Rules and Regulations for the Operation of the Retail Markets;
- o To consider any other appeal(s) that are not covered by any of the other Committees or Sub-Committees of the City Council.



- Election Matters Members Forum:
  - o To recommend further improvements to the Elections Office and/or the Elections processes;
  - o To be consulted over relevant consultation papers relating to the Elections process;
  - o To discuss issues that the Returning Officer may wish to raise with the Members Forum.
- Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions (also known as JNC Panel) – see below
- Personnel Appeals:
  - o To consider, with delegated power, the appeals relating to the Dismissal of Council managed employees (the process to be followed by appellants shall be as laid down in accordance with City Council's policy with no appeals being submitted direct to this body without first exhausting the prescribed process). In hearing an appeal, the Sub-Committee shall not have the power to award financial compensation to any appellant;
  - o To authorise the Chair of the Sub-Committee or any Member thereof to give evidence at any Employment Tribunal should they be required to do so;
  - o To recommend to the Council Business Management Committee and oversee any appropriate training and guidance being given to Members and Officers, as necessary, on how to manage Personnel Appeals;
  - o To recommend to the Council Business Management Committee any appropriate or desirable improvements for dealing with the effective and efficient administration of future Personnel Appeals arising from case hearings;
  - o To make any other recommendations to the Council Business Management Committee.
- Local Authority School Governor Nomination Committee

Deleted: Also

**Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions Sub-Committee (JNC Panel)**

- ii. The Sub-Committee for Chief Officers (Officers reporting to the Chief Executive) and Deputy Chief Officers (Officers reporting to Chief Officers) shall comprise the Leaders of the three largest political parties (or their nominees), and two other members subject to the proportionality rules. The functions of this sub-committee are, in accordance with the provisions of Schedule 1 Local Authorities (Standing Orders) England Regulations 2001 (as amended), as follows:
- o To consider and determine the form of the employment contracts and other Terms and Conditions (including related structural issues) for the Chief and Deputy Chief Officer Posts as defined in the Constitution of the City Council.

- To be responsible for making appointments to all posts falling within 1 above and to recommend to the Council the appointment of the Chief Executive.
  - To deal with all termination and disciplinary arrangements relating to Chief Officer and Deputy Chief Officer posts (including early retirement and the award of added years)
  - The appointment, termination and disciplinary arrangements of Officers who are NOT Chief Officers or Deputy Chief Officers (other than assistants to political groups) is the responsibility of the Chief Executive as Head of the Paid Service or his/her nominee in line with the Council's normal recruitment, disciplinary and termination policies. Members are not permitted to be involved in these decisions, except insofar as there are arrangements for a member's appeal committee for staff matters.
- iii. The responsibilities of the JNC Panel are set out in the Employment Procedure Rules which can be found in Part C7 of the Constitution.

## B6. EXECUTIVE ROLE, FUNCTIONS AND PROCEDURE

### 6.1 Who may make Executive Decisions

- i. As set out in this Constitution, Executive decisions may be taken by a range of people and bodies:
  - The [Cabinet](#) (B6.2);
  - A [Cabinet Committee](#) (B6.3);
  - [Cabinet Member based on Chief Officer report](#) (B6.5);
  - [Jointly with another local authority](#) (B9); or
  - An [officer](#).

### 6.2 Cabinet

#### Role of Cabinet

- i. The Cabinet acts jointly to carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

#### Functions of Cabinet

- ii. Cabinet, acting jointly, will exercise the following functions:
  - Take "key decisions" in accordance with the provisions of this Constitution<sup>46</sup>. A [key decision](#) is defined in Section B3 above; further detail on how key decisions must be taken is set out below;
  - Consider the draft Budget and a draft of the Council's "policy framework" plans. The Cabinet's role in relation to these matters will be to consider a draft which will then be presented to the full Council for approval;
  - Consider the changes to the capital budget, subject to limitations and policies in the Council's Financial Plan and Financial Regulations;
  - Consider other decisions which are considered by the Leader of the Council to have significant cross-cutting or corporate implications;
  - Determine appointments to outside bodies and to other bodies ([other than those appointed by Full Council](#) as set out in B8 [Appointments to Outside Bodies](#)) and
  - Re-consider any Cabinet, Cabinet Member, or Cabinet Committee decision(s) 'called-in' by any Overview & Scrutiny Committee.
- iii. **Recorded vote on the Council's budget and council tax:** In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote

<sup>46</sup> A key decision may also be delegated specifically by Cabinet report to a Cabinet Member or officer (see section B3.1). [Where such delegations are made without a clear timescale for implementation, and implementation has not commenced within six months, these should be reviewed by the Cabinet Member to ensure the decision is still in line with Council policy](#)

will be taken at Full Council and Cabinet on any vote in respect of the Council's budget and council tax. The names of Members who voted for or against such a decision or abstained shall be recorded and entered into the minutes of the relevant meeting. A recorded vote shall also be taken on any proposed amendments relation to the budget and council tax.

- iv. The Cabinet is empowered to establish, dissolve and determine the membership and terms of reference of Cabinet Committees (including whether the same should discharge "key decisions").
- v. The Cabinet has the power to make necessary minor changes to any Executive arrangements, through the year, for operational effectiveness and efficiency reasons.

#### Rules of Procedure – Key Decisions

- vi. Before taking a decision:
  - **Notification of Proposed Key Decisions:** Key Decisions must be included on the "Forward Plan" not less than 28 clear calendar days in advance of the date of the proposed decision. The Forward Plan will be prepared on a monthly basis (and updated weekly) to cover a period of four months. It will include the following information:
    - a. the matter in respect of which a decision is to be made;
    - b. a brief explanation of why it will be a "key decision";
    - c. the Cabinet meeting at which the "key decision" is due to be taken;
    - d. who will be consulted before the "key decision" is taken;
    - e. how, to whom and by when representations (about the "key decision") can be made;
    - f. what reports/papers are, or will be, available for public inspection;
    - g. whether the report will have a confidential or exempt appendix with reasons.

The Forward Plan is published once a month and is available on the Council's website.

- **Confidential or exempt Information:** Where there is an intention to consider matters in private, i.e. information that is confidential or exempt, then 28 days clear notice must be given through inclusion on the "Notification of intention for Cabinet to consider matters in private". See Section C2 Access to Information for more details.
- **Prior to any decision being taken by the Executive,** the relevant Chief Officer shall ensure that the relevant Cabinet Member, Head of Paid Service, the Monitoring Officer and the Chief Finance Officer are properly consulted, well in advance of any relevant report, for any advice that they may, collectively or individually, wish to give. The Chief Officer shall also ensure such advice is properly reflected in any report to the Executive. In appropriate circumstances, the Chief Officer shall also ensure the Assistant Director, Communications & Marketing is consulted before any Executive decision is taken.

vii. Taking a decision:

- Executive decisions shall only be taken by Cabinet based on **written report(s)** from Chief Officers and after any appropriate advice from the Head of Paid Service, Monitoring Officer and Chief Finance Officer. All reports are to be presented in the template prescribed by the City Solicitor.
- Cabinet decisions are only effective and actionable provided they are taken in accordance with this Constitution, and when posted on the Council's website by Committee Services and following the call-in process.
- No report to the Executive or any Executive decision shall be deliberately subdivided by any Member/Officer to circumvent the "key decisions" definition.
- Members are reminded of their Corporate Parenting responsibility when considering Cabinet reports. Members should always consider what impact a particular decision may have on children in care, whether this is direct or indirect. If there are likely impacts, the Cabinet report should include this in the body of the report. "What does this mean for children in care?" should be considered at all times when carrying out council business.

viii. **Decisions not on the Forward Plan:** if a matter which is likely to be a key decision has not been included on the [Forward Plan](#) (see above) but it is impracticable to defer the decision,<sup>47</sup> then the decision may still be taken if:

- a) the key decision must be taken because it is impracticable to defer the decision, in the opinion of the Chief Executive; and
- b) the relevant Chief Officer (or his/her nominee) has obtained the agreement of the Chair of a relevant Overview and Scrutiny Committee of the matter to which the decision relates; and
- c) the Committee Services Officer has made copies of the agenda available to the public as soon as possible.

ix. The report must be accompanied by a cover sheet stating the reasons for not being included on the Forward Plan, why the decision cannot reasonably be deferred, the date of the Scrutiny Chair's agreement and any comment they wish to add.

x. The Leader of the Council will submit a report to Council on an annual basis detailing all reports not on the Forward Plan and urgent reports requiring approval as set out in this constitution and all reports authorised for [immediate implementation](#).

xi. **Intention to hold part of the meeting in private not notified:** any report containing confidential or exempt information that is not included on the ["Notification of intention for Cabinet to consider matters in private"](#) requires agreement from the Chair of the relevant Overview and Scrutiny Committee that the report is urgent and cannot reasonably be deferred.

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<sup>47</sup> Regulation 10, The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

- xii. **Late Reports:** Reports listed on the agenda but not submitted to Committee Services by 1200 hours on the sixth working day before the Cabinet meeting will be late reports.

All late reports will only be submitted to Cabinet if cleared by the Leader and Chief Executive, and must be accompanied by a cover sheet stating the reasons for lateness and why the decision cannot reasonably be deferred.

- xiii. Unless the reasons given demonstrate “special circumstances”, i.e. the special circumstances should be of a financial or legal nature, or an alternative reason as agreed by the Monitoring Officer, Cabinet may postpone consideration of the report as is required by law. That there simply has not been enough time to finalise the report for a particular Cabinet is NOT a special circumstance.

#### **Rules of Procedure – Cabinet Meetings**

- xiv. Cabinet meetings will be called in accordance with Part C2 of the Constitution: Access to Information.
- xv. If the Leader is present, s/he will chair any meeting of the Cabinet. If the Leader is not present, s/he will appoint another person to do so. If no appointment has been made, the meeting will elect a Chair for that meeting.
- xvi. The quorum for a meeting of the Cabinet shall be four Cabinet Members (inclusive of the Leader of the Council if present).
- xvii. Only Cabinet Members are entitled to vote at meetings of the Cabinet.
- xviii. **Non-Cabinet Members attending 'Private Sessions' of Cabinet meetings:** A maximum of two of the major Opposition Group members and a maximum of one of the other Opposition Group members – to include their Group Leader(s) – may receive notice of Cabinet meetings, the relevant papers and remain and participate during the deliberations of the private sessions of the Cabinet, save that they do not have any entitlement to vote on any Cabinet matter.
- xix. The Chairs of any of the Council’s Overview & Scrutiny Committees (or their nominee from the relevant committee) shall be entitled to attend Cabinet meetings and to remain and participate during the deliberations of the Cabinet during any of its ‘Private Sessions’, save that they do not have any entitlement to vote on any Cabinet matter.

#### **Roles and Duties of Cabinet Members**

- xx. Individual Cabinet Members cannot take executive decisions except as part of Cabinet at a formal meeting, or where based on a written report from a Chief Officer (as set out in B3.1 and B6.5 Cabinet Member and Chief Officer Decision Making). Cabinet Member responsibilities are set out in their respective portfolio (B7 Cabinet Portfolios).
- xxi. The role of a Cabinet Member is to promote and co-ordinate the Council’s activities which contribute towards achieving the Council Plan objectives within their respective portfolio.

- xxii. An appropriate Cabinet Member may direct an officer on a particular matter that his/her delegated authority under the Officer Delegation Scheme should not be exercised, and that it should be referred to Cabinet or to a Cabinet Member for consideration.
- xxiii. A Cabinet Member may be required to attend a hearing of an O&S Committee on matters within their portfolio.

### 6.3 Cabinet Committee – Group Company Governance

#### Role of Cabinet Committee – Group Company Governance

- i. The role of the Committee is to ensure that the Council's strategic objectives are met across the group of companies which either the Council owns or has an interest in, and to support the development of the group in line with the Council's regulations and ambitions.

#### Functions of Cabinet Committee – Group Company Governance

- ii. The Committee's responsibilities include (subject to regulations imposed by the Charity Commission, regarding the independence of charitable entities):
  - a) Holding entity Boards to account for their performance with the necessary powers to make and drive immediate change through the Boards;
  - b) Supporting the development of entities and making recommendations on the disposal/dissolution of companies (below Cabinet limit on value) and matters such as varying Articles of Association, varying ownership and structure and varying share rights;<sup>48</sup>
  - c) Identification of entities' business support requirements;
  - d) Providing subsidiaries with clear direction and support in its role as sole shareholder/member, including guidance and training to board members where necessary;
  - e) Evaluation of effectiveness of entity board governance structure, processes and recommend changes as required;
  - f) Reviewing business plans and strategies of the entities where applicable (to ensure compliance with the Council's strategic direction) to, for example, communicate changing priorities;
  - g) Ensuring compliance of the entities with the Council's interests including the Birmingham Business Charter for Social Responsibility;

Deleted: decisions

<sup>48</sup> Note: on 22 January 2018, Council Business Management Committee agreed to disapply sections B6.3ii a) and b) for the Birmingham Children's Trust Community Interest Company during the period of government intervention only

- h) Oversight of compliance to ensure that taxation, legal and financial interests of the Council together with the Council's Constitution are considered and protected;
- i) Oversight of compliance with procurement rules;
- j) Oversight of compliance to avoid conflict of interest;
- k) Receiving and reviewing entity performance, financial and risk reports;
- l) Advising Cabinet/City Council of issues as appropriate, including on appointments to outside bodies.

#### **Membership**

- iii. The Cabinet Committee – Group Company Governance has been established by Cabinet with the following membership:
  - The Deputy Leader;
  - Another Cabinet Member as deemed appropriate by the Deputy Leader;
  - One Councillor member from each of the Opposition Party Groups.
- iv. The membership of the Committee shall be based on cross party representation.
- v. The quorum for a meeting of a Cabinet Committee shall be two Cabinet Members and a member of the opposition.
- vi. A substitute member shall be entitled to attend in place of a regular Member provided:
  - That a Cabinet Member may only be substituted by another Cabinet Member;
  - That Committee Services has been notified of any substitution before the meeting begins.
- vii. Once an agenda item has begun with a substitute member attending, the regular Member in respect of whom notification has been received, shall not be entitled to vote on the agenda item as a Member of the Cabinet Committee.
- viii. A substitute member will be able to vote during the meeting only when s/he is acting as a substitute for a regular Member.

#### **Rules of Procedure – Cabinet Committee: Group Company Governance**

- ix. Cabinet Committee decisions shall only be taken based on written report(s) from Chief Officers and after any appropriate advice from the Head of Paid Service, Monitoring Officer and Chief Finance Officer. All reports are to be presented in the template prescribed by the City Solicitor.
- x. Cabinet Committee decisions are only effective and actionable provided they are taken in accordance with this Constitution, and when posted on the Council's website by Committee Services and following the call-in process.



## 6.4 Health and Wellbeing Board

### Role of the Health and Wellbeing Board

- i. The Health and Wellbeing Board is constituted as a Committee under the Chair of the Cabinet Member for Health and Social Care in order to discharge the functions of a Health and Wellbeing Board as set out in the Health and Social Care Act 2012, including the appointment of Board Members as set out in the schedule of required Board Members in the Act.
- ii. The Health and Wellbeing Board will:
  - a) Promote the reduction in Health Inequalities across the City through the commissioning decisions of member organisations;
  - b) Report on progress with reducing health inequalities to the Cabinet and the various Clinical Commissioning Group Boards;
  - c) Be the responsible body for delivering the Joint Strategic Needs Assessment for Birmingham (including the Pharmaceutical Needs Assessment);
  - d) Deliver and implement the Joint Health and Wellbeing Strategy for Birmingham;
  - e) Participate in the annual assessment process to support Clinical Commissioning Group authorisation;
  - f) Identify opportunities for effective joint commissioning arrangements and pooled budget arrangements;
  - g) Provide a forum to promote greater service integration across health and social care.
- iii. Under the Health and Social Care Act 2012 the composition of the Board must include
  - o The Leader of the Council or their nominated representative to act as Chair of the Board;
  - o The Director for Adult Social Care Directorate (Director for Adult Services);
  - o The Director for Education & Skills (Director for Children's Services);
  - o Nominated Representatives of each Clinical Commissioning Group in Birmingham
  - o The Director of Public Health
  - o Nominated Representative of Healthwatch Birmingham
- iv. Each Local Authority may appoint additional Board Members as agreed by the Leader of the Council or their nominated representative. If additional appointments are made, these will be reported to Cabinet by the Chair of the Board.
- v. For the Board to be quorate at least one third of Board Members and at least one Elected Member must be present.
- vi. Members of the Board will be able to send substitutes with prior agreement of the Chair. Each member is to provide the name of an alternate/substitute member.

## 6.5 Cabinet Member Decision Making

- i. Except in relation to the financial limits applicable to the general delegation to the Leader and Cabinet Member, Finance and Resources in Part E3.2 of the Constitution, decisions with values at or above the Chief Officer limit of £200,000 and below the key decision threshold of £500,000 (revenue) or £1m (capital) are decisions by Cabinet Members based on written reports by Chief Officers. Such decisions shall only be taken after any appropriate advice from the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
- ii. Prior to any decision being taken by the Executive, the relevant Chief Officer shall ensure that the relevant Cabinet Member, Head of Paid Service, the Monitoring Officer and the Chief Finance Officer are properly consulted, well in advance of any relevant report, for any advice that they may, collectively or individually, wish to give. The Chief Officer shall also ensure such advice is properly reflected in any report to the Executive. In appropriate circumstances, the Chief Officer shall also ensure the Assistant Director, Communications & Marketing is consulted before any Executive decision is taken. All reports are to be presented in the template prescribed by the City Solicitor.
- iii. These decisions are only effective and actionable when posted on the Council's website by Committee Services and following the call-in process.
- iv. Where a decision is delegated to Cabinet Members, and is, in the opinion of the Leader, a Cabinet Member, a Director or Head of Service, of such significance that a public discussion of the proposed decision would ensure transparency and accountability in relation to decision making within the authority; then such decisions should be referred to Cabinet.

## 6.6 Urgent Decisions

Deleted: Reports

- i. In an emergency an executive decision may be agreed by the Chief Executive following consultation with the Leaders of the Political Groups. See Part E: Scheme of Delegations for further details.
- ii. An urgent decision is defined as one which could not reasonably have been foreseen or anticipated prior to the most recent Cabinet meeting, and which needs to be considered before the next meeting of the Cabinet. Decisions made under this provision will be reported to the next meeting of the Cabinet.

## 6.7 Officers

- i. Decision making is also delegated to Officers in accordance with their job description and directorate budget.
- ii. The Schedule of Delegations is set out in Part E of this Constitution. A Chief Officer may make arrangements to sub-delegate their authority to another officer of suitable seniority and experience and any such arrangements are recorded in their sub delegation scheme.

However, the officer remains responsible for any decisions made under such arrangements.

- iii. The fact that a function stands delegated to an officer under Part E does not preclude the Council or the Executive from exercising the function directly. Similarly, where a committee has resolved to delegate a function to an officer, it shall remain open to the committee to discharge the function itself.
- iv. Where a decision is delegated to officers, and is, in the opinion of the Leader/Cabinet Member, Director or Head of Service, of such significance that a published record of the proposed decision would ensure transparency and accountability in relation to decision making within the authority; then such decisions should be taken as Cabinet Member Decision.
- v. An officer may be required to respond in writing to a query from, or attend a meeting of, an O&S Committee on decisions they have taken or matters within their area of responsibility.

## 6.8 Record of Executive Decisions

### **Cabinet, Cabinet Committee and Cabinet Member/Chief Officer Decisions**

- i. As soon as reasonably practicable (and no more than three working days) after any meeting of the Cabinet or any of its Committees or Cabinet Member/Chief Officer, whether held in public or private, the Committee Services Officer will publish a record of every executive decision taken at that meeting on the Council's website.
- ii. The relevant notice will bear the date on which it is published and will specify that the Executive decision may be implemented, after the expiry of three working days after the publication of the decision, unless a "Request for call-in" is made of the Executive decision, by at least two Councillors (who are not members of the Cabinet).
- iii. The Monitoring Officer is authorised to correct any minor errors in the recording of Executive Decisions but not so as to replace or otherwise substantially amend the decision of the Executive. In the event of a major alteration, the relevant decision-maker or decision body will be asked to make another Executive decision to correct the Executive record.

### **Officer Delegated Decisions**

- iv. All decisions with a value of £50,000 or more made by Officers under delegated powers should be recorded in writing and a single copy for each Directorate sent to the Chief Executive and the Leader/Deputy Leader on the 30<sup>th</sup> September and 31<sup>st</sup> March of each year.

## 6.9 Immediate Decision Implementation

- i. If the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader (or Deputy Leader in

his/her absence) may designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period.

- ii. The exercise of such power shall be clearly noted on the record of the decision.

## B7. CABINET PORTFOLIOS

### 7.1 Leader's Portfolio

The Leader has ultimate political responsibility for the Council, and accountability for the following strategic functions:

Area	Further detail
Strategic policies	Development and implementation of the Council Business Plan and Medium Term Financial Strategy/Budget
Structure and Governance of the Council	Overall organisational design of the Council, including the Council's corporate governance arrangements.
Lord Mayor's office	Appropriate support to the Lord Mayor and other holders of civic office.
Communications	Internal and external stakeholder engagement and formal consultation on Council performance and use of resources.
Financial strategy	In conjunction with the Cabinet Member for Finance & Resources, the Council's strategic approach to the use of financial resources and budget, including alignment between other local authority bodies (e.g. Combined Authority), partners (e.g. Health, LEP etc), the BCC General Fund, Housing Revenue Account, capital spending and the use of reserves.
Council Wide Efficiency and Improvement	Jointly, with the Deputy Leader, to take a strategic lead in relation to efficiency and improvement across all Council services and to foster lean governance in all areas of Council work.
Policy and Partnerships	Promotion of collaborative working relationships with stakeholders and partners as part of the city's 'Civic Family', whilst positioning Birmingham as a leader in public policy development at city, regional, national, European and international levels. Representing the Council's policy agenda as appropriate through proactive engagement with Government, national policy networks and relations with the media.
West Midlands Combined Authority	Appropriate arrangements for the Council's response and review to changes in the Constitution, consultation and devolution deals. Representing the City Council on the West Midlands Combined Authority Board.
Major projects	Responsibility for major physical regeneration and infrastructure projects in the city and engagement with key economic growth partners, partnerships and investors.
Promotion of the city and Inward Investment	Promotion of Birmingham regionally, nationally and internationally. This includes work with partners such as the West Midlands Growth Company, the universities and cultural organisations of citywide, regional or national significance. Marketing strategies to encourage investment in Birmingham.
Commonwealth Games, Sports and Events Development	Development, delivery and promotion of sports, events and festivals. Delivery of Birmingham Commonwealth Games 2022 and its legacy.

Area	Further detail
Council land use and property assets including appropriation	Oversight of the Council's land use and property strategy and asset management plan including framework for reuse, disposal and requisition of land and property in the Council's priorities – including assets of heritage and community value. Including oversight of Council owned land and property facilities, amenities and services including markets.
Economic growth and jobs	Strategic approach to economic growth and regeneration programmes and strategic planning policy. Representing the City Council on the Local Enterprise Partnership Board.
Business Improvement Districts	Partnerships with the Business Improvement Districts, including city centre management opportunities.
Land Use Planning	Local Development Plan, Neighbourhood Plans, Development Briefs and Supplementary Guidance; including advice to Planning Committee.
Housing Development	To review the supply of housing and tenure based on an analysis of housing need.
Enforcement	To ensure enforcement policies and implementation are in place.

## 7.2 Deputy Leader's Portfolio

The Deputy Leader will act as Council Leader where the Leader is not available and has accountability for the review and improvement of all council services, management of all corporate resources of the Council, and oversight of the management of services and delivery of outcomes on:

Area	Further detail
Business Change	All major business change programmes.
Efficiency and improvement for the Council – including governance and performance of third-parties	Jointly, with the Leader, to take a strategic lead in relation to efficiency and improvement across all Council services and to foster lean governance in all areas of Council work. Oversight of good governance in relation to Council representation on outside bodies; Trading Services; Council-owned companies; and strong 'client' governance for externalised services (when Executive decisions needed).
Risk Management	Strategic risk management, internal audit and holding senior officers to account on the management of risks.
Revenues and Benefits Service	To ensure effective management of the Revenues and Benefits service.
Customer Services	To take a strategic lead in the provision of the City Council's customer services functions.
External Scrutiny and Local Government Ombudsman	To take appropriate action in response to external scrutiny of the Council through inspectorate, peer or Government improvement and / or local government ombudsman reports.
Open data and Information systems	To provide strategic leadership and advising all Cabinet Members of initiatives that need to be taken in relation to the development of world class technological capability and connectivity in Birmingham.
Whistleblowing and Corporate Complaints Procedure	To take a corporate lead in relation to Whistleblowing and complaints.

Area	Further detail
Emergency Planning	Arrangements for the Council's response to emergencies including chairing the Contest Board.
Impact and implications of Brexit	Assessment of the implications of Brexit for Birmingham and co-ordination of requisite strategies by way of response.
To take a lead on information law and data protection matters	Overall leadership and organisation of information law and data protection matters for the Council.
To challenge any lack of transparency in all work carried out by the Council	To ensure transparency in all areas of Council work.
ICT	Oversight of the Council's ICT strategy, Information Governance and General Data Protection Regulations (G.D.P.R.)
Legal	Oversight of the Council's legal services function including political engagement with the Council's Monitoring Officer.

### 7.3 Cabinet Member for Children's Wellbeing

The Cabinet Member has accountability for:

Area	Further detail
Lead Member for Children's Services (LMCS)	Political accountability for all the local authority children's services, including education and social care. This post is required by law to hold direct local accountability for the effectiveness, availability and value for money of the local authority's children's services (particularly education and children's social care.) This role will therefore require close joint working and formal reporting with the Cabinet Member for Education, Skills and Culture to ensure appropriate accountability for statutory education functions contained within the LMCS role – including fair access to schooling for all children, high quality early years provision and children's involvement in public decision making.
Safeguarding Children and Young People	With statutory partners, the safety and wellbeing of all children.
Children's Services	Leadership, strategy and effectiveness of children's services – responding to the needs of all children and young people, especially the most disadvantaged and vulnerable, and their families and carers.
Overseeing the Children's Trust	Oversight of the 'client side' role of the Children's Trust to ensure the delivery of agreed outcomes, KPIs and finances within the legal and contractual framework agreed
Overseeing Early Years	Ensuring a sufficiency of places and a citywide Early Years Health and Wellbeing offer.
Corporate Parenting	Political leadership on improving the lives of looked after children. Ensuring all Council members, officers and services understand and actively promote the Council's responsibilities to looked after children.
Lead Member for Special Educational Needs and Disability (SEND) and Inclusion	Lead Member for the SEND agenda across children's agencies and holding officers and partners to account for the delivery of the Birmingham SEND strategy.

## 7.4 Cabinet Member for Education, Skills and Culture

The Cabinet Member has accountability for:

Area	Further detail
Education of Children and Young People	Political leadership on strategic and statutory duties, including school improvement, school places and travel to and from school. Oversight of Dedicated Schools Grant.
Arts and Culture and Tourism	Sustaining and promoting art, culture and tourism, including management of grants and associated economic opportunities.
The Library of Birmingham and Community Libraries	Oversight of the regional and city-wide role of the Library of Birmingham and the community library service; including the vital part libraries play in communities, learning and skills.
Museums	Oversight of the provision and activity of the Birmingham Museums Trust.
Skills, expansion for key growth sectors enterprise and innovation	Developing the skills and employability of Birmingham's workforce, thereby enabling each citizen to realise their potential. Engaging with the skills agenda throughout the Council and Birmingham in liaison with local, regional and national partners.
Youth Engagement and Youth Service, along with Lifelong Learning (post 14 skills and adult education)	Clear progression and vocational pathways from education into further and higher education and employment. Provision of all-age guidance, skills development, training and work experience to meet the economic needs of the city now and in the future.
Skills and Entrepreneurship in Schools	Development of 14-19 career pathways, enterprise and entrepreneurship in Birmingham schools.
Employment Opportunities	Enabling all residents to access employment through the development and delivery of local employment plans.

## 7.5 Cabinet Member for Finance and Resources

The Cabinet Member has accountability for:

Area	Further detail
Finances	Overall financial direction within the Financial Strategy developed by the Leader, including Best Value and appropriate financial, accounting and audit controls and procedures.
Human Resources	An effective organisational development function for shaping the future workforce of the Council. Development of effective change/transformational programmes deployed corporately. Member development programmes. Processes and procedures to support good staff performance development and equality objectives. Staffing structures at JNC level and personnel procedures that comply with good practice and natural justice (in consultation with the Leader). [The Council Business Management Committee deals with issues around the employment of staff and their terms and conditions of employment].

Area	Further detail
Birmingham Business Charter for Social Responsibility	Application of the Birmingham Business Charter for Social Responsibility that requires contractors to offer, inter alia, local employment and training opportunities, and to adopt the Birmingham Living Wage policy.
Commercialisation	To take the strategic lead in the consideration of all commercial opportunities available to the Council
Procurement	Oversight of procurement management.
Contract Management	Strategic approach to and compliance with contract management policy to ensure best value.
Oversight of Consultants	Oversight of the use of consultants <u>with particular focus on their duration, renewal and cost</u>
Internal Trading Operations	Effectiveness and holding to account the management of all internal trading operations in conjunction with Deputy Leader
Commissioning	Strategic approach to, and compliance with, the commissioning approach. Ensuring that council commissioning supports its wider social objectives such as employment provision, training, encouraging social enterprise and delivering social cohesion, internally and externally in line with the Council's objectives

## 7.6 Cabinet Member for Health and Social Care

The Cabinet Member has accountability for:

Area	Further detail
Adult Social Care and Health	Development of the Health and Wellbeing Board and relationships with the NHS and private providers. Strategic leadership of social care services and safeguarding for adults. Development of an integrated health and social care economy in Birmingham and neighbouring local authorities around the relevant Sustainability and Transformation Plan.
Public Health	Leadership on public health services, working with the Health and Wellbeing Board to reduce health inequalities.
Healthy Communities	Championing healthy living through sport and leisure services and influencing resident choices through proactive behaviour change initiatives.

## 7.7 Cabinet Member for Homes and Neighbourhoods

The Cabinet Member has accountability for:

Area	Further detail
Council housing management services	Oversight and direction of estate management services and best use of housing stock (across all housing providers). Repairs and maintenance programmes.
Registered Social Landlords	Liaison with the Birmingham Social Housing Partnership on neighbourhood management initiatives and the housing growth agenda.



Area	Further detail
Private Rented Sector	Licensing and regulation. Private Tenancy Unit activities. Bond and deposit scheme initiatives.
Housing Options	Assessing housing need, options for vulnerable adults, children and young people and offenders. Temporary accommodation provision. A coherent strategy to address homelessness, including short-term engagement, education and enforcement with rough sleeping.
Tenant engagement in social housing	Tenant engagement in the management and development of social housing and Housing Liaison Boards.
Neighbourhood Management	Development of the Council's neighbourhood engagement model and work with wider Council and partners to ensure integration at the local level.
Bereavement Services and Register Office	Strategic leadership for the development of Cemeteries, Crematoria and Mortuary and Coroners Court Services; and Register Office services.

## 7.8 Cabinet Member for Social Inclusion, Community Safety and Equalities

The Cabinet Member has accountability for the following:

Area	Further detail
Safer Communities	Strategic citywide leadership to community safety in Birmingham, including anti-social behaviour, fear of crime and public spaces and ensuring effective support for victims of crime. Effective relationships and clear shared priorities with the Police and Crime Commissioner and West Midlands Police. Leadership on youth offending issues. CCTV and liaison with Police. Strategic leadership in relation to Prevent.
Social Cohesion and Inclusion	Approaches to ensure that all Birmingham citizens have opportunity across the social and economic life of the city, within a safe city - including in education, employment, housing, health and social care, civil society and political participation – whether these are delivered by the City Council itself, partner agencies, or by private or third sector organisations. Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on social cohesion and inclusion.
Tackling Inequality	Strategic approaches to reduce inequalities including around health, education and employment outcomes; 'access to services'; and participation in civic life. Neighbourhood advice and information services. Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on inequalities and inclusion.
Equalities within the Community	Development and promotion of shared values and mutual respect across the diverse communities of Birmingham. Ensuring that community and cultural events promote social cohesion and inclusion

Area	Further detail
External Challenge	Ensuring that partner agencies, private or third sector organisations are challenged on their contribution to improving social cohesion and inequalities.
Third Sector Partnership and Engagement	Working with, and coordination of, third sector and partner agencies around equalities, cohesion and inclusivity.
Domestic Violence	All Council activity relating to domestic violence, its impact on families and children and implementing a city-wide domestic violence strategy with partners including advice to the Cabinet Member for Homes and Neighbourhoods on the provision of accommodation and taking advice from the Cabinet Member for Health and Social Care on the health implications of domestic violence.

## 7.9 Cabinet Member for Street Scene and Parks

The Cabinet Member has accountability for:

Area	Further detail
Waste Strategy and Services	Development of a financially and environmentally sustainable waste strategy for the city and ensuring delivery. Collection and sustainable disposal of waste from residential and other properties within the city and street cleansing.
Pest Control	Provision of the Pest Control Service.
Cleaner Neighbourhoods	Street cleansing, litter prevention, fly tipping, graffiti, placarding, scrap yards and motor salvage operators.
Recycling	Development of a robust re-use and recycle strategy for the city and ensuring delivery.
Parks and Allotments	Provision and usage of facilities including grounds maintenance.

## 7.10 Cabinet Member for Transport and Environment

The Cabinet Member has accountability for:

Area	Further detail
Transport Strategies	Sustainable transportation policy and strategy, programmes, projects and initiatives to improve connectivity and road safety for the city across all modes of travel.
Highways	Strategic highways matters. Maintenance of roads and streets, traffic management and car parks and enforcing rights of way.
Advice to Planning Committee (Highways)	Providing advice, where appropriate, including the effect of proposed developments in relation to roads and transport and working in cooperation with the West Midlands Combined Authority and Mayor in relation to the key route network.
Air Quality	Leading the development and delivery of an Air Quality Strategy for Birmingham, to comply with national and pan-national regulations together with key partners.

Area	Further detail
Green City	Working with partners to develop a strategy for sustainability, liveability and environmental improvement for the city.
Climate Change	Engaging in proactive citywide and national policy development to tackle the causes and consequences of climate change.

## B8. APPOINTMENTS TO OUTSIDE BODIES

### 8.1 Appointments to Outside Bodies

- i. Appointments that are reserved to the Full City Council to determine can be found in [B4.4](#) above and the proportionality rules shall apply where three or more members are appointed.
- ii. All other appointments of members and officers to outside bodies shall be within the remit of Cabinet to determine, and the proportionality rules will not automatically apply.

## B9. JOINT ARRANGEMENTS

### 9.1 Joint Arrangements

- i. The Council may establish joint arrangements with one or more local authorities or other public bodies and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities or advise the Council. Such arrangements may involve the appointment of a joint committee or board with these other local authorities or bodies.
- ii. The Cabinet may establish joint arrangements with one or more local authorities or public bodies to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies.
- iii. The Cabinet may only appoint Cabinet Members to a joint committee or board established under (ii) above and those Members need not reflect the political composition of the local authority as a whole.
- iv. If a joint committee exercises an executive function, then a Cabinet Member must be appointed. If a joint committee includes executive functions and Cabinet appoints three or more members, the proportionality rules will apply and a at least one Cabinet Member must be appointed.

Deleted: Where Cabinet appoints three or more members to a joint committee, the proportionality rules will apply.

### 9.2 Joint committees

- i. The City Council has established the following Joint Arrangements for the current Municipal Year:  
  
**West Midlands Combined Authority (WMCA)**
- ii. The [West Midlands Combined Authority](#) comprises 18 local authorities, including Birmingham City Council and four Local Enterprise Partnerships (LEPs) including Greater Birmingham & Solihull LEP, working together to move powers from Whitehall to the West Midlands. Individual councils will still deliver services and retain their identity, but on the big decisions the WMCA will have the resources to work together.
- iii. More detailed information can be found on the [West Midlands Combined Authority \(WMCA\) website](#).

## B10. WARD FORUMS

### 10.1 Role

- i. Ward Forums will be constituted to encourage and facilitate dialogue between the Council and local people within their area.
- ii. The Council will establish (or dissolve) Ward Forums on the recommendation of the Council Business Management Committee.
- iii. Members will provide community leadership at the ward level, in particular through engaging the local community and identifying very local issues and priorities (for example through Neighbourhood Tasking meetings).

### 10.2 Functions

- i. In conjunction with the relevant Cabinet Members, the role of Ward Forums is to:
  - a) ~~Develop through local engagement and discussion and then adopt and approve a "Ward Plan and Priorities"~~ setting out locally determined priorities and issues.
  - b) Provide a forum for community engagement in decisions affecting the local area (through regular meetings including neighbourhood forums, residents' associations, parish, community or neighbourhood councils and other local organisations).
  - c) To advise or make representations to the Council, the Executive or an Overview and Scrutiny Committee on all matters affecting community interests, working in conjunction with Cabinet Members to provide improved accountability in council and other public services within the area and to support the work of Overview and Scrutiny committees as appropriate.
  - d) Make comments on behalf of residents on significant planning applications within the ward or which have an impact on the ward, subject to the appropriate planning timescales.
  - e) Co-ordinate the work of councillors with neighbourhood forums, residents associations and neighbourhood, community or parish councils to enable local community engagement, debate and action in relation to local issues and priorities.
  - f) Plan work with the other wards or ward clusters to engage with partners such as the police and to work on matters that must be addressed over a larger geographical area.
  - g) Develop and support the community leadership role of councillors and others in the area. This includes in relation to governance, commuting planning, local dialogue, partnership, commissioning and accountability.
  - h) Work with appropriate ward contact officers to ensure that council services are responsive to local needs and priorities.
  - i) Promote and influence service improvement, service integration and a focus on prevention across the whole of the local public sector and to consider the performance,

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integration and co-ordination of public services in the area and make recommendations to the Executive and to the council's partners as appropriate.

- j) Work in partnership with all local stakeholders to further the needs and priorities of local residents.
- k) Ensure that city wide and city regional levels of decision making have a good understanding of local needs and priorities in different parts of the city.
- l) Promote community empowerment and active citizenship and a diversity of local service provision, including community and voluntary organisations and social enterprises and to develop positive working relationships with parish, neighbourhood or community councils.
- m) To promote and improve the economic, social and environmental well-being of the area.
- n) Working to advance the council's policies on local leadership and with other Ward Forums to progress issues across a larger geographical area.

ii. Members should hold at least four ward forum meetings per year.

### 10.3 Membership

- i. Membership of Ward Forums must include the local Councillor(s) and may include any local resident or stakeholder groups.
- ii. The Councillor(s) may appoint a councillor or another stakeholder as Chair of their Ward Forum.

## B11. OVERVIEW AND SCRUTINY COMMITTEES

### 11.1 Principles of Good Scrutiny

i. Good Overview and Scrutiny adds value to Councils as it:

- a) Amplifies public voice and concerns;
- b) Drives improvement in public services;
- c) Provides constructive “critical friend” challenge;
- d) Is led by ‘independent minded people’ who take responsibility for their role.

### 11.2 Role

i. Overview and Scrutiny Committees will:

- Make reports and/or recommendations to the full Council, the Executive and / or other organisations in connection with the discharge of the functions specified in their terms of reference;
- Consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; and
  - is relevant to the Council’s strategic objectives; and/or
  - is relevant to major issues faced by officers in managing a function of the Council; and/or
  - is likely to make a contribution to moving the Council forward and achieving key performance targets.
- Exercise the “request for call-in” and “call-in” any Cabinet, Cabinet Committee or Cabinet Member decisions made but not yet implemented by the Executive.
- Overview and Scrutiny Chairs should maintain regular engagement with Cabinet Members to enable flexibility to be built into the Overview and Scrutiny work programme, so as to respond to the Council’s policy priorities in a timely way.

Deleted: <#>Provides “critical friend” challenge to executive policy-makers and decision-makers;¶  
<#>Enables the voice and concerns of the public and its communities to be heard;¶  
<#>Is carried out by ‘independent minded members’ who lead and own the scrutiny process;¶  
<#>Drives improvement in public services.¶

### 11.3 Functions

i. *Policy development and review:* Overview and Scrutiny Committees may:

- Assist the Council and / or the Executive in the development of its budget and policy by appropriate analysis of policy and budget issues;
- Conduct appropriate research, community and other consultation in the analysis of policy and budget issues and possible options;
- Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- Question Members of the Executive and/or Chief Officers about their views on issues and proposals affecting their areas of responsibility; and

- Liaise with other external organisations operating in the city, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- ii. *Scrutiny: Overview and Scrutiny Committees may:*
- Review and scrutinise the Executive decisions made by and performance of the Executive and/or Chief Officers in relation to decisions taken by them or in relation to their areas of responsibility / department;
  - Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas – including the areas of responsibility of the Regulatory and Non-Executive Committees, but not the actual decisions of the Regulatory and Non-Executive Committees;
  - Make recommendations to the Executive, Chairmen of Committees, Chief Officers and/or Council arising from the outcome of the scrutiny process;
  - Review and scrutinise the performance of other relevant public bodies in Birmingham (including Health Authorities) and to invite reports from them by requesting them to attend and engage with the Overview and Scrutiny Committee about their activities and performance;
  - Question and gather evidence from any person (with their consent); and
  - Establish sub-committees to undertake aspects of that committee's remit, or Task and Finish Committees to carry out specific time limited enquiries as agreed with the eight Overview and Scrutiny Committee Chairs and subject to available resources.
- iii. Any member of an overview and scrutiny committee (or sub-committee) may ensure that any matter relevant to the remit of the committee (or sub-committee) be placed on the agenda and discussed at a meeting of the committee (or sub-committee) ("Councillor Call for Action").

#### 11.4 Membership

- i. All Councillors, except Cabinet Members (and the Lord Mayor) can be members of an Overview and Scrutiny (O&S) Committee. Members are appointed by Full Council. Chairs of these committees are appointed by the Full Council and Deputy Chairs are elected by each committee at its first meeting, for the purpose of substitution for the Chair if absent.
- ii. Membership of each of the O&S Committees will be eight; with the exception of the Co-ordinating Overview and Scrutiny Committee, which will consist of 12 members: the chair of the committee and the seven other Overview and Scrutiny Committee chairs along with four places for opposition group members to ensure proportionality. Education and Children's Social Care O&S Committee will have an additional four co-opted places, as set out below.
- iii. Quorum for the Co-ordinating O&S Committee and Education and Children's Social Care O&S Committee shall be four; and three for the other O&S Committees.
- iv. No substitute members shall be appointed to an Overview & Scrutiny meeting.

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- v. Where a member stands down from a Cabinet role, that member should not be appointed to the O&S Committee scrutinising the portfolios to which that role related for a period of six months.
- vi. A Chair of an Overview & Scrutiny Committee should not be appointed to serve as a Director on any of the City Council's wholly owned companies where the activities of that company overlap with the remit of that Overview & Scrutiny Committee.

### 11.5 Terms of Reference of Overview and Scrutiny Committees

- i. There shall be eight Overview and Scrutiny Committees as set out in the terms of reference below.

#### Co-ordinating Overview and Scrutiny Committee

- ii. To plan and co-ordinate the work of all the Overview & Scrutiny Committees. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning governance (including transparency, regional working and partnerships); citizens (including communications and public engagement); performance; customer services; social cohesion; equalities and emergency planning.
- iii. These functions include:
  - a) giving such guidance to the Overview and Scrutiny Committees in any cases of uncertainty, as to work which they should or should not be undertaking, as may be necessary to achieve such co-ordination, including the allocation of "call-in" to the appropriate Committee;
  - b) determining, in any cases of uncertainty, the allocation of responsibility for specific tasks between the Overview and Scrutiny Committees;
  - c) ensuring (by means, for example, of issuing appropriate guidance and/or instructions) that the Overview & Scrutiny Committees pay proper attention in their work to the consideration of key cross cutting issues, in particular equalities, transparency and improvement;
  - d) publishing each year an Annual Programme of major scrutiny inquiries as suggested by individual Overview and Scrutiny Committees following consideration of the Council Plan and priorities;
  - e) agreeing the establishment of any task & finish groups; and
  - f) considering overview and scrutiny development, working practices and constitutional arrangements.
- iv. Membership of the Co-ordinating Overview and Scrutiny Committee will consist of 12 members: the chair of the committee and the seven other Overview and Scrutiny Committee chairs along with four places for opposition group members to ensure proportionality.

#### Resources Overview and Scrutiny Committee

- v. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning finance (including strategic finance, budget setting and financial monitoring); revenues and benefits; treasury management; Council land use and property assets; human resources; contracting, commissioning and commercialisation.

#### Education & Children's Social Care Overview and Scrutiny Committee

- vi. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning schools and education, the Children's Trust, vulnerable children, corporate parenting, children and young people's health and wellbeing and other child social care and safeguarding functions of the council.
- vii. The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:
- a) Church of England diocese representative (one);
  - b) Roman Catholic diocese representative (one); and
  - c) Parent Governor representatives (two).

#### Economy and Skills Overview and Scrutiny Committee

- viii. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning strategic economy; skills and apprenticeships; inward investment; land use planning; business improvement districts and the Local Enterprise Partnership.

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#### Health and Social Care Committee

- ix. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning adult safeguarding, social care and public health; and to discharge the relevant overview and scrutiny role set out in the National Health Service Act 2006 as amended by the Health and Social Care Act 2012, including:
- The appointment of Joint Overview and Scrutiny Committees with neighbouring authorities; and
  - The exercise of the power to make referrals of contested service reconfigurations to the Secretary of State as previously delegated to the Health and Social Care Overview and Scrutiny Committee by the Council.

#### Housing and Neighbourhoods Overview and Scrutiny Committee

- x. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning housing; waste management; neighbourhood management; parks and allotments localisation; bereavement services and community safety.
- xi. This Committee shall be the Crime and Disorder Committee (Police and Justice Act 2006).

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#### **Commonwealth Games, Culture and Physical Activity Overview and Scrutiny Committee**

- xii. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning Commonwealth Games; arts and culture; libraries and museums; sport; events.

#### **Sustainability and Transport Overview and Scrutiny Committee**

- xiii. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to sustainability; air pollution; transport strategy and highways.
- xiv. The Committee shall undertake the authority's statutory functions in relation to the scrutiny of flood risk management (Flood and Water Management Act 2010).

### **11.6 Rules of Procedure**

- i. A Scrutiny meeting may be called by the Chair of the relevant Overview & Scrutiny Committee.
- ii. All meetings of an Overview & Scrutiny Committee shall be open to the public in accordance with Section C2 *Access to Information*. In addition to their rights as Councillors, Members on an Overview & Scrutiny Committee have additional rights to documents as set out in Section C2 *Access to Information*.
- iii. No Overview & Scrutiny Committee may undertake a review into:
- Any decision of the Planning Committee, the Licensing and Public Protection Committee or a Licensing sub-committee;<sup>49</sup>
  - Any decisions which may be appealed against under the terms of reference of the Licensing Sub-Committees;
  - Any decision taken by an officer under delegated authority which falls within the terms of reference of the Planning Committee, the Licensing and Public Protection Committee or a Licensing sub-committee;<sup>50</sup>
  - Any code of conduct matter or employment appeals;
  - Except in exceptional circumstances, any decision in respect of which there are:
    - a) Ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure; or
    - b) Individual personnel issues.
- iv. An Overview & Scrutiny Committee may require any Cabinet Member, or Member in relation to a matter where the Member has exercised functions, the Chief Executive and/or

<sup>49</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

<sup>50</sup> In respect of a licence or permission granted to an individual or in respect of an individual premises

any senior officer to attend before it to answer questions and provide information about any matter within its terms of reference.<sup>51</sup>

### 11.7 Conflicts of interest

- i. If an Overview and Scrutiny Committee is scrutinising specific decisions in relation to the business of another committee or forum of the City Council of which an Overview and Scrutiny Committee Councillor is a Member, then that Councillor must withdraw from the meeting during the consideration of such matter.
- ii. Where, however, the Overview and Scrutiny Committee is reviewing policy matters, generally, as opposed to a specific decision of another committee or forum of the City Council, the Member must declare his/her interest before the relevant agenda item is reached but need not withdraw.
- iii. If a Cabinet Adviser (or former Cabinet Adviser) is a member of an Overview & Scrutiny Committee and is scrutinising matters to which their role relates, then that Councillor must withdraw from the meeting during the consideration of such matter.
- iv. If an Overview and Scrutiny Committee is scrutinising the work of a relative of a member of the Committee, then that Councillor must withdraw from the meeting during the consideration of such matter.

### 11.8 Overview and Scrutiny Work and Non-Executive Committees

- i. Overview and Scrutiny Committees are only permitted by law to scrutinise the Executive decisions of the Council – Cabinet, Cabinet Committees, Cabinet Members, and officers.
- ii. In terms of the Regulatory Committees, these carry out administrative functions and, as such, appropriate appeal rights and procedures apply to the same, which do not involve the Overview and Scrutiny Committees arrangements.

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### 11.9 “Request for Call-In” and “Call-In”

- i. When an Executive decision is taken by the Cabinet, Cabinet Committees, or Cabinet Member(s), the decision shall be published on the website, and copies of it shall be available at the main offices of the Council, normally within three days of being made. All Members and Chief Officers will be sent a notification of all such decisions within the same timescale, by the Committee Services Officer responsible for publishing the decision.
- ii. The relevant notice will bear the date on which it is published and will specify that the Executive decision may be implemented, after the expiry of three working days after the

<sup>51</sup> A Member or officer is not obliged to answer any question which he would be entitled to answer in or for the purposes of proceedings in a Court Section 9FA of the 2000 Act.

publication of the decision, unless a “Request for call-in” is made of the Executive decision, by at least two Councillors (who are not members of the Cabinet). The “Request for Call In” should state the reason for call-in.

- iii. Once a “Request for Call In” has been received, the Chair of Co-ordinating O&S Committee will agree which Overview and Scrutiny Committee should hear the call-in. That Committee must meet to consider the request. The meeting should take place not later than 15 clear working days after the original publication of the decision.
- iv. It is for the Committee to decide whether to Call In a decision or not. The Council does not expect an Overview and Scrutiny Committee to Call In an Executive decision unless one or more of the following criteria applies.
- v. Where the Committee does decide to call in a decision, the “re-consideration” which is then required must take place at a meeting of the full Cabinet – irrespective of who made the original decision on behalf of the Executive.

#### Call-In Criteria

	(a) Is the Executive decision within existing policy?
1	the decision appears to be contrary to the Budget or one of the ‘policy framework’ plans or strategies;
2	the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees;
3	the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);
	(b) Is the Executive Decision well-founded?
4	the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;
5	the Executive appears to have overlooked some relevant consideration in arriving at its decision;
6	the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;
7	there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.
	(c) Has the Executive decision been properly taken?
8	the decision appears to give rise to significant <u>governance</u> , legal, financial or propriety issues;
9	the notification of the decision does not appear to have been in accordance with council procedures;

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## B12. PLANNING COMMITTEE

### 12.1 Role

- i. To exercise the powers and duties of the Council with regard to development control and planning matters, and, in particular, to:
  - exercise all the powers and duties of the Council as a local planning authority (apart from any Executive functions);
  - exercise the powers and duties of the Council with respect to building control;
  - be accountable for the Local Land Charges service.
- ii. The full Planning Code of Practice for Councillors and Officers can be found in Part C8 of the Constitution.

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### 12.2 Membership

- i. Members of the Planning Committee, and its Chair, are appointed by Full Council. There are fifteen members of the committee, and the quorum is five.

## B13. LICENSING AND PUBLIC PROTECTION COMMITTEE

### 13.1 Role

- i. To exercise the powers and duties of the Council with regard to regulatory, licensing and registration matters under all relevant legislation relating to the Licensing service, waste enforcement, Trading Standards service and Environmental Health Service;
- ii. Exercise and monitor the Council's powers; in respect of regulation and enforcement, monitoring performance of the Councils regulation and enforcement services as well as any hosted regional or national programmes;
- iii. Set fees, as applicable, in respect of trading standards, environmental health, licensing, highways skip permits, street trading, registration of births deaths and marriages (all services); private rented services.
- iv. Set conditions relating to Hackney carriage and private hire matters.
- v. Set conditions for any licensable activity allowed by legislation as appropriate
- vi. To exercise the powers and duties of the Council with regard to public protection matters which are non-executive functions.

### 13.2 Functions

- i. The Licensing and Public Protection Committee is authorised to discharge the following functions:
  - Set fees and charges, grant, refuse Issue, renew, suspend, revoke, or otherwise control any licences, authorisations, permits, registrations as appropriate under the scheme of delegations or powers provided to the council through enactments, regulations or bylaws;
  - Where applicable approve any pre application tests and requirements, in relation to any licences, authorisations or registrations issued by the Licensing Service
- ii. Members of Licensing Sub-Committees will sit as a statutory Licensing Committee as defined by the Licensing Act 2003 and the Gambling Act 2005 when carrying out functions of and ancillary to those Acts and is not required to observe political balance. Members of the Licensing & Public Protection Committee will sit as a general Licensing Committee when dealing with any other licensing functions of the Council and appointments must be politically proportionate.
- iii. The Committee is authorised to exercise the powers and duties of the Council under all relevant legislation and relating to the non-executive functions of the Committee except where
  - Any function of the licensing authority under the Licensing Act 2003 (the 2003 Act), the Gambling Act 2005 (the 2005 Act), or the Police Reform and Social Responsibility Act 2011 (the 2011 Act) has been reserved to full Council; or
  - Any licensing function where Council has referred a matter to another committee.

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- Functions relating to any other hearings required under the 2003 Act or the 2005 Act that have not been reserved to the Licensing Committee.
- The function of determining any matter where an officer has considered they should not exercise their delegated authority and has referred the matter to the sub-committee for determination.

- iv. A Sub Committee is not authorised to discharge functions where the application relates to an event in the open air, in a temporary structure and where the proposed capacity of the event exceeds 30,000 people.

### 13.3 Membership

- i. Members of the Licensing and Public Protection Committee, and its Chair, are appointed by Full Council. There are fifteen members of the committee, and the quorum is five.
- ii. Substitute Members: no substitute Members are appointed for the Licensing and Public Protection Committee. In relation to each ordinary business Licensing Sub-Committee, the Licensing Committee has appointed substitute Members, comprising all other suitably trained members of the Licensing and Public Protection Committee.
- iii. A substitute Member shall be entitled to attend in place of a regular Member provided that Committee Services has been notified of this before the meeting begins. Once the meeting has begun, the regular Member in respect of whom notification has been received, shall no longer be entitled to attend that agenda item as a Member of the Licensing Sub-Committee concerned.
- iv. A substitute Member will have all the powers and duties of any regular Member of the Licensing Sub-Committee but will not be able to exercise any special powers or duties exercisable by the person for whom s/he is substituting.
- v. The Licensing Committee Code of Practice for Councillors and Officers can be found in Part C9 of the Constitution.

### 13.4 Procedure Rules

- i. Committee meetings will be called in accordance with Part C2 of the Constitution: *Access to Information*.
- ii. The provisions of the Licensing Act 2003 (Hearings) Regulations 2005 shall apply to any hearings conducted under the provisions of the Licensing Act 2003 and in the event of any conflict between the Relevant Regulations and the Council Procedure Rules/Access to Information Procedure Rules in relation to such hearings the provisions of the Relevant Regulations shall prevail. Licensing Act 2003 matters fall outside of the remit of the Local Government Act 1972.
- iii. The provisions of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 shall apply to the exercise of functions under Section 162 (1) and (2) and Section 201 (4) of the Gambling Act 2005 and in the event of any conflict between the



Relevant Regulations and the Council Procedure Rules/Access to Information procedure rules in relation to the exercise of such functions the provisions of the Relevant Regulations shall prevail.

- iv. The Licensing functions of the Council shall be carried out by the following bodies:
- Licensing and Public Protection Committee (15 Members with a quorum of 5)
  - Sub-Committees to be established by the Licensing and Public Protection Committee, comprising three Members drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003 as assigned and matters in respect of hackney carriages, private hire, vehicles drivers and operators. The Chairs of the Licensing and Public Protection (Licensing Sub)-Committee's role is to chair the licensing sub-committee meetings, deal with subsequent actions of appeals and assist in finding substitutes for members as required.
- v. Before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.
- vi. Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.

## **B14. AUDIT COMMITTEE**

### **14.1 Purpose**

- i. The purpose of the Audit Committee is to support the Council's Corporate Governance responsibilities and to provide independent assurance to the Council in relation to internal control, risk management and governance.

### **14.2 Functions**

- a) To review the City Council's Annual Accounts and Annual Governance Statement (AGS). This will include advising on significant changes throughout the year to financial regulations and policies.
- b) To monitor progress in addressing control or governance issues identified in the AGS.
- c) To review and provide the Executive with assurance on the embedding and maintenance of an effective system of corporate governance, including the Council's Corporate Governance Code and Framework, risk management framework, and the associated control environment.
- d) To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- e) To review the adequacy of treasury risk management arrangements as set out in the Treasury Management Policy, Strategy and treasury management practices.
- f) Responsibilities as set out in the terms of reference in relation to external audit including reviewing the planned programme of work, noting fees and terms of engagement of the external auditor, considering and advising the executive on responses to audit management letters, reports and investigations and reviewing whether agreed external audit or inspection recommendations have been implemented as timetabled.
- g) To review and make recommendations to the executive regarding the effectiveness of internal audit to include ensuring the internal audit function is adequately resourced, to review its strategy, receive, challenge and approve its annual plan and monitor its delivery and to review significant audit findings and monitor progress by managers in implementing agreed recommendations.
- h) To consider and make recommendations to the executive on the Council's arrangements for deterring, preventing, detecting and investigating fraud.
- i) To consider reports from the Ombudsman and monitor management response in relation to these.
- j) To consider, approve or make recommendations in respect of any other matters at the request of the Council.

### **14.3 Membership**

- i. Members of the Audit Committee, and its Chair, are appointed by Full Council. There are eight members of the committee, and the quorum is three.

ii. The Chair of Audit Committee should not be appointed to serve as a Director on any of the City Council's wholly owned companies.

iii. An Independent Technical Advisor should be appointed to support the Committee.

#### **14.4 Conflicts of interest**

iv. If a Cabinet Adviser (or former Cabinet Adviser) is a member of the Audit Committee when it is considering matters to which their role relates, then that Councillor must withdraw from the meeting during the consideration of such matter.

v. If the Audit Committee is considering items relating to the work of a relative of a member of the Committee, then that Councillor must withdraw from the meeting during the consideration of such matter.

## **B15. TRUSTS AND CHARITIES COMMITTEE**

### **15.1 Role**

- i. The Trusts and Charities Committee will exercise the administrative powers and duties of Full Council as trustee ("Council as Trustee") in relation to all trusts for which the Council is sole corporate trustee (the "City Trusts").

### **15.2 Functions**

- i. The Trusts and Charities Committee is authorised to discharge the following functions:
  - To advise Council as Trustee in all matters relating to the Trusts and Charities under the control of the Council;
  - To receive and discuss all audit reports on Trusts and Charities and recommend actions to the Council as Trustee where required;
  - To review and approve the City Trusts annual accounts and final accounts; and recommend actions to the Council as Trustee where required;
  - To approve Charity Commission returns and all other regulatory documents;
  - To inquire of and respond to the Charity Commission and any other regulatory bodies;
  - To respond to enquiries from Auditors or Independent Examiners;
  - To be responsible for ensuring that legal responsibilities are met;
  - To ensure the objects and purposes of each individual City Trust are properly promoted in accordance with charity law;
  - To ensure (through the Finance Department and Accounting systems) that there is an appropriate system of control over income and expenditure, and that there are robust governance arrangements in place;
  - To have oversight of allocation of funds, donations and investment income, to ensure these are accounted for accordingly.
  - To be responsible for advising Council as trustee on all matters relating to the investments of the funds. This will include the appointment, and subsequent performance monitoring of the official Investment Advisers;
  - To take any other action deemed appropriate or necessary to ensure the proper management and administration of the City Trusts.
- ii. Full Council sitting as "Council as Trustee" will be responsible for decisions concerning the use and/or disposal of charity property and assets, and will delegate the management of any City Trust to the Trusts and Charities Committee, with assistance from the Legal, Finance and Property Services team as and when required.

### **15.3 Membership**

- i. Members of the Trusts and Charities Committee, and its Chair, are appointed by Full Council. There are eight members of the Committee, and the quorum is three members.

## B16. THE STANDARDS COMMITTEE

### 16.1 Role

- i. The Standards Committee's role is:
  - a) Advising the City Council on the adoption or revision of the Code of Conduct;
  - b) Monitoring the operation of the Code of Conduct and the arrangements for how the Council will deal with any complaints;
  - c) Advising, training or arranging to train members and co-opted members on matters relating to the City Council's Code of Conduct.
  - d) Determining complaints brought by members of the public alleging a breach of the Code of Conduct by Councillors.
  - e) Determining the penalty to be imposed in the event of a breach of the Code being upheld.
  - f) Hearing appeals as may be necessary.
  - g) Granting any dispensations and dealing with any other powers granted to Standards Committees by legislation.
  - h) To submit an Annual report on the work of the Standards Committee and, generally, promoting the standards of ethical conduct and behaviour expected of Councillors.
- ii. The Standards Committee shall also determine under Sections 1 and 2 of the Local Government and Housing Act 1989: -
  - a) any application received from any officer of the Council for exemption from political restriction; and
  - b) any application to consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

### 16.2 Membership

- i. The Standards Committee will be composed of 14 Members, as follows:
  - 6 Councillors, which will be made up of 2 Councillors from each of the 3 largest political parties represented on the City Council;
  - 6 Independent lay members
  - 1 Member of New Frankley in Birmingham Parish Council
  - 1 Member of Sutton Coldfield Parish Council
- ii. **Independent Lay Members:** Independent Lay Members are not entitled to vote at meetings;
- iii. **Parish Members:** The Parish Member(s) must be present when matters relating to the parish council or their Members are being considered but shall have no voting rights;

- iv. **Chairing the Committee:** Standards Committee will appoint an Independent Lay Member as Chair and Deputy Chair of Standards Committee. In the absence of the appointed Chair/Deputy Chair the Committee will be chaired by another Independent Lay Member or if none available the Committee will be chaired as determined by the Committee.
- v. **Quorum:** The quorum for the Standards Committee shall be five, including at least three Birmingham Councillors, one of the Independent Lay Member and the Parish Councillor if it relates to a Parish Council matter.
- vi. **Independent Person:** There will be at least 1 Independent who will have no voting rights although Standards Committee has the discretion to appoint an additional person if required.
- vii. **Delegation:** The Standards Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions as set out in 1.1 above. A sub-committee shall have a quorum of at least three voting members and one Independent Lay Member.
- viii. **Arrangements for Dealings with Standards Allegations under the Localism Act 2011:** The Monitoring Officer will set out the procedure for the arrangements as to how complaints under the Code of Conduct are dealt with. Any changes to those arrangements may only be made following consultation with the Standards Committee.

## **B17. INDEPENDENT REMUNERATION PANEL**

### **17.1 Panel Composition**

- i. In Birmingham the Panel comprises:
  - a) 4 members selected from a public advertisement;
  - b) 2 “invited” members (from August 2017, preference to be given to candidates representing trade unions or business);
  - c) 2 co-optees (non-voting members) drawn from former Councillors of the City Council who are no longer Members of the Council.
- ii. Panel Members are usually appointed for a 4-year term of office.

### **17.2 Terms of Reference**

- i. The terms of reference for the Panel are:
- ii. To consider and keep under review and, as and when appropriate, to submit reports (containing recommendations) to the Council on:
  - a) The amount of Basic Allowance payable to all members;
  - b) The responsibilities or duties in respect of which Special Responsibility, Travelling, Subsistence and Co-optees’ should be available and the amounts of such allowances;
  - c) Whether Dependants’ Carers’ Allowance should be payable and the amount of such an allowance;
  - d) Whether there is any backdating of allowances payable for the year in which an amendment is made;
  - e) Whether adjustments to the allowances are to be determined according to an index and if so, how long the index shall apply before review [maximum of four years];
  - f) Any proposals for the introduction of an Allowances Scheme for members of a Parish Council.

## B18. SUMMARY OF QUORACY

CABINET / COMMITTEE	No. of Members	Quorum
City Council	101	30
Council Business Management Committee (and Sub-Committees as Determined by the Constitution and the Committee)	8	3
Chief Officer and Deputy Chief Officer Appointments, Dismissals And Service Conditions Sub-Committee	5	5
<b>Cabinet</b>	10	4
Cabinet Committee – Group Company Governance	4	3 (inc. 2 Cabinet Members)
Health & Wellbeing Board * including one elected member	16	6*
<b>Overview &amp; Scrutiny</b>		
Co-ordinating Overview & Scrutiny Committee	12	4
Education & Children's Social Care Overview & Scrutiny Committee (Contains Governor and Parent Representatives)	8 + 4	4
All Other Overview & Scrutiny Committees	8	3
<b>Regulatory and Non-Executive</b>		
Planning Committee	15	5
Licensing & Public Protection Committee (and Sub-Committees)	15 3	5 3
Trusts & Charities Committee	8	3
Audit Committee	8	3
Standards Committee	14	5





# Birmingham City Council Constitution

## Part C – Codes and Protocols

May 2021

(Draft May 2021)

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Deleted: Temporary Amendments made April 2020

Deleted: (Amendment to Planning Code made July 2020)¶  
(Additional Amendments made November 2020)¶



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## C1. CORPORATE GOVERNANCE CODE AND FRAMEWORK

### 1.1 Introduction

- i. Corporate governance is a phrase used to describe how organisations direct and control what they do. For local authorities this also includes how a council relates to the communities that it serves.
- ii. Our [Birmingham City Council Plan](#) articulates ambitions framed around our Birmingham City Council Plan 2018 -2022 as a city of growth where every child, citizen and place matters.
- iii. The purpose of our corporate governance arrangements is to devise and deliver services to the citizens of Birmingham in a way that demonstrates accountability, transparency, effectiveness and value for money, integrity, and inclusivity and which reflects corporate values.

### 1.2 Corporate Governance Code

- i. Our Corporate Governance Code and Framework is based upon seven Principles.
- ii. We will:
  - a) Behave lawfully, with integrity and in the public interest and demonstrate this through our conduct and behaviour.
  - b) Be open and engage with local communities, service users and our other stakeholders.
  - c) Focus our resources on outcomes and ensure council tax payers and service users receive excellent value for money.
  - d) Ensure we have clear responsibilities and arrangements for transparent and effective accountability.
  - e) Take informed and transparent decisions.
  - f) Ensure that we have robust and effective audit, scrutiny, information governance, risk and financial management controls.
  - g) Develop our capacity and capability to be effective.
- iii. It is the role of our Audit Committee to oversee and receive assurances relating to our governance arrangements and also to provide challenge on how our arrangements can be continually improved.

### 1.3 Principles

**We will behave lawfully, with integrity and in the public interest, and will demonstrate this through our conduct and behaviour**

<i>And commit to</i>	<i>Supported and evidenced by our</i>
Embed values and codes of conduct for both employees and councillors. Ensure that those who provide services on our behalf act in accordance with these principles. Deal with breaches of legal and regulatory requirements and ensure fraud, corruption and allegations of misuse of public funds are dealt with effectively.	Values and behaviours Members' Code of Conduct Officer Code of Conduct Partnership agreements Procurement Terms and Conditions Arrangements for the registration and declaration of interests (including gifts and hospitality) Anti-Fraud and Corruption Policy Complaints and Compliments procedures

**We will be open and engage with local communities, service users and our other stakeholders**

<i>And commit to</i>	<i>Supported and evidenced by our</i>
Ensuring that service users, local communities and other stakeholders have access to the council and are involved and consulted about major changes that may affect them. Welcome peer challenges, reviews and inspections from regulatory bodies and implement recommendations which arise from them.	Consultation Approach to restorative practice Ward Forums Parish and Town Council arrangements Birmingham Citizens Panel (when active) Use of Overview and Scrutiny Inquiries Deputations to full Council and ward forums Consideration of and response to Petitions



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**We will focus our resources on outcomes and ensure council tax payers and service users receive excellent value for money**

<i><b>And commit to</b></i>	<i><b>Supported and evidenced by our</b></i>
<p>Ensure that services put the needs of the public first, are non-discriminatory and are appropriate to different needs in the community.</p> <p>Make best use of resources and ensure that the People of Birmingham receive excellent value for money.</p> <p>Consider and balance the combined economic, social and environmental impact of policies and plans when taking decisions.</p>	<p>City Council Plan for Birmingham</p> <p>Equality and Diversity Policy</p> <p>Safeguarding arrangements</p> <p>Safer Birmingham Strategy</p> <p>Youth Justice Plan</p> <p>Children and Young Peoples Plan</p> <p>Annual Performance Report</p> <p>Financial Strategy and Medium Term Financial Plan</p> <p>State of the City Events</p> <p>Performance Management Framework</p> <p>Annual Internal Audit Report</p> <p>External Audit Value for Money opinion</p>

**We will ensure we have clear responsibilities and arrangements for transparent and effective accountability**

<i><b>And commit to</b></i>	<i><b>Supported and evidenced by our</b></i>
<p>Document who is responsible for our functions and will ensure reports on our performance, delivery of value for money and stewardship of resources are routinely reported.</p> <p>Review on a regular basis the vision for the city and its implications for the authority's governance arrangements.</p> <p>Have in place effective arrangements to identify and deal with failure in service delivery.</p> <p>Ensure that relationships and accountabilities between the authority, its partners and the public are clear.</p>	<p>Constitution</p> <p>Executive Portfolios</p> <p>Monitoring of Revenue and Capital expenditure</p> <p>Delegation and sub delegation arrangements</p> <p>Committee Terms of Reference</p> <p>Protocol for the roles of Members and officers in Decision Making</p> <p>Annual Internal Audit Report</p> <p>Customer service standards and dispute resolution arrangements</p> <p>Annual Accounts</p> <p>Access to Information Procedure Rules</p> <p>Executive and Decision Making Procedure Rules</p> <p>Annual Governance Statement</p> <p>Annual Scrutiny Report</p> <p>Annual Standards Report</p> <p>Partnership arrangements</p> <p>Information Governance arrangements</p> <p>Health Safety and Wellbeing</p> <p>Annual Pay Policy Statement</p>

**We will take informed and transparent decisions**

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<b><i>And commit to</i></b>	<b><i>Supported and evidenced by our</i></b>
<p>Ensure that all decisions are taken which are proportionate, respect human rights and natural justice, are open and transparent with clear aims and desired outcomes and promote equality of opportunity.</p> <p>Consider and balance the economic, social and environmental impacts of policies and plans.</p> <p>Ensure that:</p> <p>those making decisions are provided with information that is relevant, timely and gives clear explanations of technical issues and their implications;</p> <p>appropriate legal, financial and other professional advice is considered as part of the decision-making process; and</p> <p>decision-makers can be held to account for the decisions they take through effective overview and scrutiny arrangements.</p>	<p>Executive/Cabinet arrangements</p> <p>Committee Terms of Reference</p> <p>Access to Information Procedures</p> <p>Delegation and sub delegation arrangements</p> <p>Procedures for decision making</p> <p>Provision of effective, timely, responsive and highly regarded legal, financial and professional services</p> <p>Equality and Diversity Policy</p> <p>Use of data to support decision making and effectively target resources</p>

**We will ensure that we have robust and effective audit, scrutiny, information governance, risk and financial management arrangements.**

<i><b>And commit to</b></i>	<i><b>Supported and evidenced by our</b></i>
<p>Embed a risk management framework to achieve our priorities and protect the Council's reputation and assets.</p> <p>Collect, use and store information and data appropriately.</p> <p>Maintain a prudential financial framework which balances our commitments with available resources, monitors income and expenditure and ensures corrective action when necessary.</p>	<p>Overview and Scrutiny Committee arrangements</p> <p>Vision for Overview and Scrutiny</p> <p>Medium Term Financial Plan</p> <p>Capital Programme and Treasury Management Strategy</p> <p>Financial Regulations and Contract Procedure Rules</p> <p>Performance and risk management arrangements</p> <p>Compliance with the Code of Practice on Data Transparency and the General Data Protection Regulation</p> <p>Business Continuity arrangements</p> <p>A 'Public Sector Internal Audit Standard' compliant Internal Audit function</p>

**We will develop our capacity and capability to be effective**

<i><b>And commit to</b></i>	<i><b>Supported and evidenced by our</b></i>
<p>Improving the use of our people resource by developing and maintaining an effective workforce plan.</p> <p>Continually review our performance, including how the organisation is led, how we work, and how we make the most efficient use of our resources assets (including data) to ensure our continuing effectiveness.</p> <p>Ensuring that all councillors and employees have the skills, knowledge and experience they need to perform their roles effectively.</p>	<p>Code of practice for Member-Officer relations.</p> <p>Our values and behaviours</p> <p>Appraisal arrangements</p> <p>Staff surveys</p> <p>Training and development programmes for Councillors</p> <p>Training and development programmes for staff</p> <p>Participation in peer reviews</p> <p>Recognition of colleagues through our awards for excellence</p> <p>Workforce development plan</p> <p>Graduate and apprenticeship programmes</p>

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## C2. MEETINGS AND ACCESS TO INFORMATION PROCEDURE RULES

### 2.1 Scope

- iv. These rules apply to all meetings of the Council, its Committees and Sub-Committees (including but not limited to Overview and Scrutiny Committees, area committees (if any), regulatory committees, and meetings of the Executive (together called "meetings").

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### 2.2 Principles

- i. These rules will be interpreted, where possible, in accordance with the following guiding principles / presumptions:
- Openness: the right of the public to gain access to meetings and documents;
  - Transparency: the provision of information so that the public know who is responsible for making a particular decision, when and where, and have an explanation or justification for a decision;
  - Accountability: the public can measure the actions taken against policies and plans on which those responsible were elected to office.

### 2.3 Notice of Meetings

- i. The Council will give at least 5 clear working days' notice of any non-urgent meeting and for urgent meetings at least 3 clear days' notice will be given. Details of the meeting will be posted at the Council House, Victoria Square, Birmingham B1 1BB and<sup>1</sup> on the Council's website.

**Commented [EW1]:** Propose to retain wording

### 2.4 Access to Agendas, Reports and Decision Records

- i. The Council will make the Agenda and relevant Reports available to the public on its website and available for inspection at the Council House<sup>1</sup> at least five clear working days before the meeting or as much time as is available for an urgent item of business. Where Reports are prepared after the Agenda has been sent out, the Committee Services Officer shall make such report(s) available for inspection to the public as soon as the Report is completed and sent to the relevant Councillors.

**Commented [EW2]:** Propose to remove wording as the Council House will be closed for refurbishment, plus all papers are available on line.

<sup>1</sup> Temporary Amendments Agreed by Full Council 28 April 2020, which will expire no later than 25 May 2021

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- ii. For the avoidance of doubt, "working days" does not include weekends, statutory holidays, the day of the notice or the actual day of the meeting.
- iii. Agendas, Reports and Decision Records, save for those which contain exempt or confidential information will be found on the Council's website,<sup>2</sup>

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### Background Papers

- iv. The author of a report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
  - a) disclose any facts or matters on which the report or an important part of the report is based; and
  - b) have been relied on to a material extent in preparing the report.
- v. This does not include those which disclose confidential or exempt information (as defined in B2.5); nor does this include the advice of a political adviser<sup>3</sup>; nor any draft report or document.

## 2.5 Exclusion of Access by the Public to Meetings

- i. Members of the public may attend all meetings subject only to the exceptions set out below. Attendance shall include viewing the meeting via video conferencing or live webcast as government guidance/regulation allows.

### Confidential information – requirement to exclude public

- ii. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- iii. Confidential information means information provided to the Council by a Government Department upon terms (however expressed) which forbid the disclosure of the information to the public or other information the disclosure of which is prohibited by any enactment or Court Order.

### Exempt information – discretion to exclude public

- iv. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

<sup>2</sup> <https://birmingham.cmis.uk.com/birmingham/Committee.aspx>

<sup>3</sup> "political adviser or assistant" means a person appointed pursuant to section 9 of the Local Government and Housing Act 1989(b)

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- v. Exempt information relates to the access to information requirements covered by Section 100I and Schedule 12 A of the Local Government Act 1972 (as amended) as set out in the table below, and related Regulations. Information is also exempt if it is advice of a Political Adviser or Political Assistant, as defined by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended).

<b>Category</b>	<b>Condition</b>
1. Information relating to any individual.	This means any living individual person and relates back to data protection legislation i.e. the General Data Protection Regulation 2016/ 679 (GDPR) & the Data Protection Act 2018 (DPA).
2. Information which is likely to reveal the identity of an individual.	This again relates back to data protection legislation
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Includes information relating to the Authority's own financial or business affairs. It does not include information which is required to be registered under the Companies Act 1985, the Friendly Society Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965-1978, the Building Societies Act 1986 or the Charities Act 1993 as such information will be in the public domain in any event. The "financial affairs or business affairs" include past, present and contemplated activities.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders, under the authority.	"Employee" means a person employed under a contract of service with the Council and would not therefore include a consultant or a temporary member of staff employed through an agency or a company. Information about such a person, however, may well be covered under the exemptions in paragraphs 1, 2 and 3 but it will depend on the individual matter. "Labour relations matter" means matters which may be the subject of a trade dispute within the meaning of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any dispute about such a trade dispute. This is therefore fairly narrow and does not appear to include normal staff negotiations which are not part of a dispute.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes –	

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Category	Condition
(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	

- vi. Information is not exempt if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning (General) Regulations 1992.

#### Public Interest Test

- vii. Paragraphs 1-7 of the exemptions above are subject to the public interest test. In determining whether this information should remain exempt, the report writer and the decision-maker will have to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. All report writers will, therefore, give consideration to this and explain why they consider the public interest test is best served by the information remaining exempt. This determination, together with reasons, will appear in the report and the agenda in relation to that item.

#### Cabinet: Notification of Intention to Consider Matters in Private

- viii. Where there is a proposal for a meeting of Cabinet to consider part of a report in private, Part 2 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to provide notification of its intention to do so.
- ix. A notification of intention to consider matters in private will be published on the meeting page on the website 28 days ahead of that meeting.

#### Appeals Where Public Access is Denied to a Report

- x. If a member of the public is denied access to a report or background papers under the rules set out above, they may appeal at the relevant meeting by giving notice in writing to the Assistant Director Governance, such notice to be received not less than seven working days before the relevant meeting is due to be held. Any such appeal will be considered by the Assistant Director Governance in conjunction with the chair of that meeting.
- xi. The person making the appeal may provide written submissions to the Assistant Director Governance who will supply copies of the same to the relevant Chief Officer and each member of the meeting before the date of the meeting.

- xii. The Assistant Director Governance will collate responses to the submission and agree a response with the Chair ahead of the meeting. The decision will be announced at the start of the meeting.

## 2.6 Disorderly Conduct – Discretion to Exclude Public

- i. The public may also be excluded from meetings, where the meeting so resolves, in the exercise of a lawful power of exclusion in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

## 2.7 Attendance at Private Meetings of the Executive

- i. All Members of the Executive are entitled to attend a private meeting of any committee of the Executive.
- ii. The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Executive and its committees.
- iii. A maximum of two of the major Opposition Group Members and a maximum of one of the other Opposition Group Members – to include their Group Leader(s) – may receive notice of Cabinet meetings, the relevant papers and remain and participate during the deliberations of the private sessions of the Cabinet.
- iv. The Chairs of any of the Council's Overview & Scrutiny Committees (or their nominee from the relevant committee) shall be entitled to attend Cabinet meetings and to remain and participate during the deliberations of the Cabinet during any of its 'Private Sessions'.

## 2.8 Members Access – Statutory Rights

### Material relating to forthcoming business

- i. All Members are entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting unless
- It contains exempt information falling within Rules B2.5v(1), B2.5v(2), B2.5v(4), B2.5v(5), and B2.5v(7), above; or
  - It contains exempt information falling within Rule B2.5v(3), above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
  - It contains the advice of a political adviser; or
  - It is a draft report or draft background paper; or



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- e) It is not a report or a background paper.
- ii. All Members are entitled to inspect any document which is in the possession of or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council or any of its committees or sub-committees unless
  - a) It contains exempt information falling within Rules B2.5v(1), B2.5v(2), B2.5v(4), B2.5v(5), and B2.5v(7) above or
  - b) It contains exempt information falling within Rule B2.5v(3) above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract.**
- iii. **Members of the Audit Committee shall have access to any information that is relevant to their role as an Audit Committee members, save where legal privilege applies or where sharing information will result in a breach of contract or confidentiality, or otherwise is judged by the City Solicitor to put the Council at risk.**

#### Scrutiny Members Access – Additional Statutory Rights

- iv. **Members of an Overview and Scrutiny Committee will be entitled to copies / inspect documents in respect of matters under scrutiny by those members,** which are in the possession or control of the Executive or its Committees and which contain material relating to:
  - a) Any business transacted at a public or private meeting of the Executive or its Committees; or
  - b) Any decision taken by an individual Cabinet Member.
- v. An Overview and Scrutiny Committee will **not** be entitled to:
  - a) Any document that is in draft form;
  - b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
  - c) The advice of a Political Adviser or Assistant (if any have been appointed).
- vi. Copies of documents requested under this section must be supplied within 10 clear days of receipt of the request. **Reasons must be given if copies of the documents are refused.**

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#### Members Access – Need to Know

- vii. **Meaning of the Need to Know:** Members have the right to seek information, explanation and advice which they may reasonably need in order to assist them in properly discharging their duties as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific

information on behalf of a constituent. Such approaches should normally be made to the relevant Chief Officer.

viii. **The Nature of Requests:** Members should:

- a) Avoid over-involvement in issues raised by individual constituents;
- b) Be particularly careful when having direct contact with relatively junior officers, to avoid the appearance of abusing their position;
- c) Justify the request in specific terms, unless circumstances exist where a Member's need to know will be presumed – for example where a Member is on a committee and wants to inspect documents relating to that committee's business, or where the information requested is already in the public domain;
- d) Only use the information for the purpose for which it was provided and get the prior agreement of the relevant Chief Officer to any disclosures to the press or the public.

ix. **Limit on rights:** there are a number of factors which may limit or outweigh a Member's need to know, including:

- a) The need to know does not extend to a 'roving commission' through Council documents;
- b) The need to know would only extend to personal information in exceptional cases;
- c) Draft documents compiled in the context of emerging Council policies, and draft reports will not usually be disclosed;
- d) A Member of one party group will not have a need to know in relation to a document prepared for another party group;
- e) Documents prepared specifically for one Member will not, unless he/she agrees, normally be provided to another Member;
- f) Documents will not be disclosed where the relevant Chief Officer believes that use of those documents by a Member may prejudice the Council's or the public interest;
- g) The level of resources required to deal with locating and supplying documents.

x. **Procedure:** Whether a Member has a need to know will be determined initially by the Chief Officer who holds the document in question (with advice from the Monitoring Officer). The Chief Officer must not have regard to party political advantage, nor must the Chief Officer's determination have the effect of preventing the Member concerned from giving evidence in Court, or of penalising the Member for so doing.

xi. All internal documents and copies produced to any Member for inspection in accordance with this Rule will be produced on the basis that, in the absence of malice, officers are expressly indemnified in respect of any claim in litigation that may result from such publication.

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## 2.9 Public Access to Other Information – Freedom of Information

- i. Where a member of the public makes a request for information under the Freedom of Information (FOI) Act 2000, they will be informed in writing by the Council whether it holds such information, and if that is the case, they will have that information communicated to them, unless an exemption applies.
- ii. An FOI request must be in writing, state the name of the applicant and an address for correspondence, and describe the information requested. A request will be treated as made in writing where the text is transmitted by electronic means (e-mail), is received in legible form, and is capable of being used for subsequent reference.
- iii. FOI requests will be dealt with by the FOI practitioner for the relevant service area.
- iv. FOI requests must generally be dealt with promptly, and no later than 20 working days of receipt.
- v. Further details about how to make an FOI request can be found on the [website](#).<sup>4</sup>

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<sup>4</sup> [https://www.birmingham.gov.uk/info/20154/foi\\_and\\_data\\_protection/408/make\\_a\\_freedom\\_of\\_information\\_request](https://www.birmingham.gov.uk/info/20154/foi_and_data_protection/408/make_a_freedom_of_information_request)

### C3. PROTOCOL REGARDING THE RECORDING OF COUNCIL MEETINGS

- i. For the purposes of this section, recording includes webcasting, filming and photography.
- ii. The Council is committed to openness and transparency in its decision making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded and will seek to ensure that any such requests are respected.
- iii. The rules that the Council will apply are:
  - a) All recordings must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. Where meetings are recorded by the Council, this will be stated at the start of each meeting.
  - b) The Chair of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
  - c) Recording must stop if the meeting goes into private session where the public is excluded for confidentiality or exempt reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
  - d) Any member of the public has the right not to be recorded. Agendas for, and signage at, Council meetings should make it clear that recording can take place – anyone not wishing to be recorded must advise the Chair at the earliest opportunity.
  - e) The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.
- iv. If someone refuses to stop recording when requested to do so by the Chair of the meeting, then the Chair will ask the person to leave the meeting. If the person refuses to leave, then the Chair may adjourn the meeting.
- v. If media outlets wish to record meetings, then it is helpful to have some advance notice to ensure space is available.
- vi. The use of social media in council meetings is permitted for members of the public and media so long as this does not cause any disruption or disturbance. The Chair's decision on this point is final. (Councillors are not permitted to use social media during the private part of any council meeting).

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## **C4. CODE OF CONDUCT FOR MEMBERS**

### **4.1 Introduction**

- i. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Your conduct as an individual councillor affects the reputation of all councillors. The role of councillor should be one that people aspire to and individuals from a range of backgrounds and circumstances should be putting themselves forward to become councillors.
- ii. This Code has been designed to protect your democratic role, encourage good conduct and safeguard the public's trust in local government.

### **4.2 Definitions**

- i. For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who
  - a) is a member of any committee or sub-committee of the authority, or;
  - b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;
 and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".
- ii. For the purpose of this Code of Conduct, "local authority" includes district councils, parish councils and town councils.

### **4.3 Purpose of the Code of Conduct**

- i. The purpose of the Code is to assist you, as a councillor, in modelling the behaviour that is expected of you to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, officers and the reputation of the council.
- ii. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### **4.4 General principles of councillor conduct**

- i. Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers, should uphold

the Seven Principles of Public Life, also known as the Nolan Principles (see section 4.6 below).

ii. Building on these principles, the following general principles have been developed specifically for the role of councillor.

iii. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

iv. In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence;
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest;
- I affirm my commitment to and encouragement of others to promote Corporate Parenting (including their safeguarding and welfare) in respect of the City Council's children in care;
- I will take into account and abide by all other relevant council policies and procedures.

#### 4.5 Application of the Code of Conduct

i. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or co-opted member.

ii. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you are acting in your capacity as a councillor and /or as a representative of your council;
- you are claiming to act as a councillor and/or as a representative of your council;

- you are giving the impression, or the circumstances may give rise to the perception, that you are acting as a councillor and/or as a representative of your council;
- you refer publicly to your role as a councillor and/or as a representative of your council.

iii. This Code applies to all forms of communication and interaction, including:

- at face to face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication; and
- in electronic and social media communication, posts, statements and comments.

iv. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

v. The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## 4.6 The Nolan Principles

Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles. These are:

### Selflessness

Holders of public office should act solely in terms of the public interest.

### Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

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### Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### Honesty

Holders of public office should be truthful.

### Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## 4.7 Standards of Conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed. Guidance is shown in italics.

### i. Respect

#### As a councillor:

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

*Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. As part of this you should not swear or use inappropriate language during any meetings. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.*



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*In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.*

## **ii. Bullying, harassment, discrimination and victimisation**

### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and not discriminate unlawfully against any person.**

**2.4 I do not victimise any person.**

*The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient". Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or during phone calls, in the workplace or at work-related social events. Such behaviour may not always be obvious or noticed by others.*

*The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.*

*Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.*

*The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.*

## **iii. Impartiality of officers of the council**

### **As a councillor**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

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*Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants)<sup>5</sup>. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.*

#### iv. Confidentiality and access to information

##### As a councillor:

##### 4.1 I do not disclose information:

- a. given to me in confidence by anyone;
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
  - i) I have received the consent of a person authorised to give it;
  - ii) I am required by law to do so;
  - iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv) the disclosure is:
    - 1) reasonable and in the public interest; and
    - 2) made in good faith and in compliance with the reasonable requirements of the local authority; and
    - 3) I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

*Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.*

#### v. Disrepute

<sup>5</sup> Officers of the Council must abide by the Employee Code of Conduct- set out in part C of the constitution

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**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

*As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your or its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.*

*You are able to hold the local authority and fellow councillors to account and are able to challenge constructively and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.*

**vi. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

*Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.*

**vii. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources;**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

**a. act in accordance with the local authority's requirements; and**

**b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

*You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.*

**Examples include:**

- office support
- stationery
- equipment such as phones and computers

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- transport
- access and use of local authority buildings and rooms.

*These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.*

#### viii. Complying with the Code of Conduct

##### As a councillor:

**8.1 I undertake Code of Conduct training provided by the local authority;**

**8.2 I cooperate with any Code of Conduct investigation and/or determination;**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings;**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

*It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.*

#### Protecting your reputation and the reputation of the local authority

#### ix. Interests

##### As a councillor:

**9.1 I register and disclose my interests.**

*Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.*

*You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.*

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*You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.*

*Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.*

#### **x. Gifts and hospitality**

##### **As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage;**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt;**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

*In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.*

## **APPENDIX TO CODE**

### **Registering interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

**"Disclosable pecuniary interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

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"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

#### Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

#### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which *directly relates* to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**Disclosure of Non-Registerable Interests**

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- your own financial interest or well-being;
  - a financial interest or well-being of a friend, relative, close associate; or
  - a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in Table 1
- you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter **affects** your financial interest or well-being:
- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
  - a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.
- You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
- If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

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Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.  [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council.  'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)—  (a) the landlord is the council; and  (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is



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Subject	Description
	a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where—  (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and  (b) either—  (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:
a) any body of which you are in general control or management and to which you are nominated or appointed by your authority;
b) any body
(i) exercising functions of a public nature
(ii) directed to charitable purposes or
(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

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## **C5. MEMBER / OFFICER RELATIONS PROTOCOL**

### **5.1 Introduction**

- i. The purpose of this Protocol is to guide Members and officers of the Council in their relations with one another in such a way as to ensure that the Council is not brought into disrepute, that a high standard of conduct is maintained and to ensure the business of the Council is transacted in a transparent, effective and efficient manner.
- ii. Birmingham City Council is committed to promoting a culture that demonstrates its core values and behaviours. Members and officers in conducting their working relationships with each other are expected to promote this culture and do so by acting in a respectful and professional manner. There is a high standard of conduct expected of both Members and officers at all times.
- iii. Failure to follow the expected conduct by either Members or officers is considered a serious issue by the Council and will be dealt with in accordance with the Council's policies and procedures and/or, in accordance with the Member Code of Conduct, as set out in the Constitution.
- iv. This Protocol seeks to promote greater clarity and certainty as to working relationships between Members and officers. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that officers are not subject to accusations of bias, and any undue influence from Members.
- v. The Protocol is to a large extent a written statement of current practice and convention and given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise and serves as a guide to dealing with other circumstances as they arise.
- vi. It also seeks to reflect the principles underlying the Code of Conduct for Members ("the Members' Code") and the Code of Conduct for Employees ("the Employees' Code"). The shared objective of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- vii. Members do not have any special immunity from civil or criminal wrongs that they may commit against any fellow Members, officers or members of the public.
- viii. This Protocol should be read in conjunction with the Members' Code and the Employees' Code, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.

### **5.2 Roles of Members and Officers**

- i. The Elected Members are responsible for:
  - a) Initiation and direction of policy;
  - b) Democratic accountability to the electorate for policies and for service delivery;

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- c) Scrutiny of Council services;
  - d) Community leadership; and
  - e) Promotion of partnership working.
- ii. The officers are responsible for:
- a) Providing the professional advice that Members must have before them when formulating policy and when taking decisions;
  - b) Implementing Members' decisions that have followed due process;
  - c) Running the Council's services and day-to-day administration;
  - d) Taking managerial and operational decisions in accordance with the Council's schemes of delegation; and
  - e) Providing information regarding Council services and approved Council policies.

### 5.3 Working Relationships

- i. Both Members and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and officers are responsible to the Council as a whole. The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- ii. An informal and collaborative approach to working between Members and officers is encouraged. Members and officers should overall treat each other as they would wish to be treated.
- iii. However, both Members and officers should be guarded as personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and officers can damage the relationship of mutual respect and prove embarrassing to other Members and officers.

### 5.4 Constructive Criticism and Redress

- i. Challenge in a constructive and non-confrontational way is important in ensuring that policies and service performance are meeting the Council's strategic objectives. Nothing in this protocol is therefore intended to stop Members holding officers to account for decisions made under delegated powers. Officers are accountable to the Council for any decision they make and may be required to report to and answer questions from a Scrutiny Committee. Nothing herein is intended to inhibit constructive criticism delivered with courtesy and officers should not feel their employment is at risk as a result of such intervention.

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- ii. Members should guard against putting inappropriate pressure, in particular, on junior officers and need to be aware that it is easy for junior officers to feel at a disadvantage in their interactions with Members.
- iii. Members should not pressurise any Officer to change his/her professional opinion on any Council business matter or do anything that compromises the impartiality of officers.
- iv. If a Member considers that he or she has not been treated with proper respect or courtesy by an Officer, he or she may raise it with the Officer's line manager or Chief Officer or the Monitoring Officer without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate action may be taken by the Chief Officer in accordance with the Council's normal procedures, should the allegations be proved to be true. Feedback should be given to the Member on the outcome and confidentiality, unless otherwise agreed, must be maintained by all parties.
- v. If an Officer considers that he or she has not been treated with proper respect or courtesy by a Member, and a direct discussion is impractical or fails to resolve the matter, he or she has the option of raising the matter in private with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and in confidence. In such circumstances, the Monitoring Officer will take such action as is appropriate either by approaching the Member and/or Party Group Leader and also advising the Chief Executive as Head of Paid Service. It may also be appropriate to advise the Chief Officer. Unless otherwise expressly agreed between parties, confidentiality including the identity of the Officer will be maintained at all times. This protocol does not affect the Officer's right to raise the matter via the Council's usual grievance procedures.
- vi. Members should not raise matters relating to the conduct or capabilities of an Officer at meetings held in public or before the Press as officers have no means of responding in public.
- vii. Nothing in this protocol shall prevent a Member or Officer expressing a relevant concern under the Council's Whistleblowing Policy.

## 5.5 Officer Reports and Advice

- i. The Chief Officer /Head of Service where they are named in a report to the Council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.
- ii. A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. On occasions, officers will need to express a professional view on a matter which may not support the view of the Executive and/or the relevant Chief Officers of the Council. However, it remains for Members to determine the Council's policies and for officers to act on those policies.

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## 5.6 Officer Advice to Party Groups

- i. It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. The assistance provided by senior officers can take many forms ranging from a briefing meeting with an Executive Member, Lead Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual Members. All officers must, in their dealings with political groups and individual Members, maintain political neutrality and treat them in a fair and even-handed manner.
- ii. Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group, that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Authority in so far as that is necessary to perform their duties.
- iii. This Protocol can be revised or amended at any time in accordance with Constitutional requirements.

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## **C6. EMPLOYEE CODE OF CONDUCT**

### **6.1 General Principles**

- i. The public is entitled to demand a level of conduct from Council employees which is of the highest standard.
- ii. Birmingham City Council's Code of Conduct forms part of the Contract of Employment. It aims to establish the usual standard of conduct expected of all employees. The Code of Conduct's principles reflect Birmingham City Council's (BCC) values and behaviours setting down the way in which you, as an employee of the Council, are expected to conduct yourself.
- iii. As an employee, you must not put yourself in a position where duty and private interests conflict and you must not make use of your employment to further your private interests.
- iv. As employees of Birmingham City Council you are expected to carry out your duties in accordance with Birmingham City Council's policies and procedures.
- v. You are expected to uphold the following principles:
  - Selflessness: your decisions must be taken in terms of the values and mission of Birmingham City Council, and not in order to gain financial or other material benefits.
  - Integrity: you must not place yourself in a situation where your position is compromised.
  - Objectivity: all decisions must be made on merit alone.
  - Accountability: you must accept accountability for your decisions and actions.
  - Openness: you should be as open as possible about all your decisions and actions.
  - Honesty: you should declare any private interests relating to your duties and take lawful steps to resolve any conflicts to ensure that public interest is protected.
  - Leadership: you must support and promote these principles by example.
  - Conduct: you must avoid bringing Birmingham City Council into disrepute.
  - Respect: you must treat others with respect.

### **6.2 General Code of Conduct Application and Intent**

11. You will be expected to act in accordance with the Code. The Code has been designed so that you are not left in any doubt as to what is acceptable or unacceptable behaviour.
12. The Code of Conduct places rules and regulations on certain activities. Any breach of these prohibitions may lead to disciplinary action.

#### **Personal Interest**

13. You must not in your official capacity:

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- Allow your personal interests to conflict with Birmingham City Council's requirements.
  - Use your position improperly to confer an advantage or disadvantage on any person.
14. Employees are required to complete the Potential Conflict of Interest form where they have any personal interests which may conflict with BCCs requirements and discuss with their line manager.
15. You must:
- Not disclose information given to you in confidence, or information acquired which is of a confidential nature, without the consent of a person authorised to give it.
  - Not prevent another person from gaining access to information to which that person is entitled by law.
  - Ensure that your relationships with service users are professional at all times.

#### Employment Matters

16. If an employee is involved in making appointments they must:
- Ensure that such appointments are made on the basis of the candidate's ability to do the job.
  - Ensure that their personal preferences do not influence judgements made.
17. Employees making appointments are required to declare their interest where they are related to an applicant or have a close personal relationship outside work with him/her by completing the Potential Conflict of Interest form and discussing it with their line manager.

#### Other Employment

18. In some instances, your contract of employment may:
- Prevent you from undertaking other employment without the written permission of your manager. This will be stated within your individual contract.
  - It is important that you ensure that any additional employment does not conflict with the interests of the council or affect your ability and credibility to do your job.
  - Where you have more than one job, both the City Council and your other employer(s) are responsible for ensuring that the 48 hour week is complied with. You should therefore ensure that you inform your manager about any work you undertake for other employer(s). (You may opt to work more than 48 hours per week and should you wish to do so, you will need to complete the form 'Working Time Regulations Opt Out Agreement' under Supporting Documents and submit it to HR Operations via People Solutions.
  - You must ensure that Council time and equipment are not utilised in connection with any other employment.

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- If in doubt, the best thing to do is to discuss the circumstances with your manager.

#### Declaration of Potential Conflict of Interest

19. Employees must not put themselves in a position where duty and private interest conflict and they must not make use of their employment to further their private interests.

#### What Interests Should I Declare?

20. Examples of information that should be declared include:
- Where your job could unduly influence decisions or contracts the Council either has or is proposing to enter or where you hold a financial or personal interest in any of these contracts either directly or indirectly e.g. through a partner or relative;
  - Where you hold a position with an external company or organisation whether paid or unpaid which may lead to conflict of interest e.g. Directorships, Committee membership including Charities, Voluntary Groups, Housing Associations and School Governorships;
  - If you have a close personal relationship with a person who has influence over your employment within the Council, for example, a Councillor or senior officer, or with any person who you have authority over;
  - If you have personal interests in activities within the Council e.g. you are a Landlord for the Council or involved in the fostering of children that could conflict with your job;
  - If you are dealing with applications to the Council for services, e.g. planning permission, permits, licences, grants, housing (including temporary accommodation), or applications for employment and have a relationship with any applicant.

#### When Should I Complete the form?

21. The examples above are not exhaustive but illustrate how the declaration is intended to apply in particular circumstances. It is your responsibility to apply the Code in the circumstances that affect you. If you are unsure about declaring a conflict of interest, please seek further advice from either your Head of Service or Human Resources Section.
22. Please note the failure to declare any potential conflict of interest during the course of your employment with Birmingham City Council may result in disciplinary action being taken.

#### Gifts and Responsibility

23. Birmingham City Council seeks to maintain the highest standards of conduct and probity in its business.
24. The acceptance of gifts and/or hospitality by employees must be treated with extreme caution. No offer of a gift or inducement, whether made at specific occasions (e.g. at Christmas) or casually, should be accepted when the gift is made by, or indirectly by, a person, firm or organisation which, to the knowledge of the employee, has or seeks to do business of any kind with the Council or to have an interest in its decisions.



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25. The receipt of minor articles, often by way of trade advertisements, which will be used on the Council's business (e.g. diaries, calendars, office requisites, etc., which are customarily distributed at Christmas and, occasionally, at other times) is acceptable.
26. If you are in any doubt, you should seek guidance from your line manager or the Council's Monitoring Officer, or the Head of Internal Audit before accepting any gifts or hospitality offered.

#### **Sponsorship**

27. Where the Council or parties to the Council sponsors an event or service, you, or any partner, spouse or relative must not benefit from the sponsorship.
28. You must seek guidance from your manager if you are involved with any event or service that the Council proposes to sponsor.

#### **General Confidentiality**

29. You may, in the course of your duties, obtain information which is confidential. You must not:
- Pass on any information received or obtained through your employment to anyone who is not entitled to have that information.
  - Use information for personal advantage.
30. You must:
- Work within the requirements of Data Protection Act 2018 and the Freedom of Information Act 2000.
  - Observe the Council's procedures for the release of personal information held about other employees or members of the public.
  - You must not misuse your position by seeking information which you do not need to know to carry out your duties.
31. Examples of abuse of confidence would include:
- Ill-considered gossip whether with colleagues or outsiders which may be misconstrued and re-quoted.
  - Exploitation of confidential information for personal gain.
  - Premature and/or unauthorised disclosure to other parties of policy proposals, with the object of generating adverse publicity e.g. to the press, interest groups.

#### **Dealing with the Council's Money**

32. You must:
- Ensure that public funds are used in a responsible and lawful manner.

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- Strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- Ensure compliance with the Council's Standing Orders and Financial Regulations.

#### **Criminal Charges and Convictions**

33. The Council requires all applicants to disclose criminal convictions, whether committed in the UK or elsewhere unless the Rehabilitation of Offenders Act applies and the rehabilitation period has expired.
34. In some circumstances, Criminal Records Bureau checks are conducted on all successful applicants for certain positions in the Council.
35. You must:
  - Notify the Council in writing if charged with any criminal offence or if convicted of any criminal offence, this includes cautions.
  - If charged with an offence, advise the Council as your employer immediately after you are charged (i.e. next working day).
36. It should be noted that the term 'conviction' includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify the Council in either case will constitute grounds for disciplinary action.

#### **Intellectual Property and Copyrights**

37. All intellectual property rights, (that is copyright, design rights and the right to patent inventions) relating to anything created or invented by you in the course of your duties belongs automatically to the Council, unless otherwise agreed, you cannot exploit the rights to any such thing without written permission from the Council.

#### **Publications and Dealing with the Press**

38. You must not:
  - Publish any material which comments on the activities, policies etc of Birmingham City Council without the consent of your manager.
  - Make comments to the press or media unless specifically authorised to do so.
39. Where requests for comments are received they should be passed on to the appropriate officer.
40. Where you wish to publish an article unconnected with the Council then the article must not link you to the Council.

#### **Equipment and Materials**

41. You must:
  - Not use the equipment and premises of Birmingham City Council for unauthorised purposes.

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- Only make personal telephone calls and emails when necessary and within reason.
- Only use the internet for personal use in your own time.
- Follow the internet usage policy.

#### **Political Restrictions and Neutrality**

42. There are a number of posts that are politically restricted. These fall into two broad categories:
- Specified posts
  - Sensitive posts
43. If you are in a politically restricted post then this will be indicated in your contract of employment and you are restricted in certain political activities.

#### **Political Neutrality**

44. The City Council will not concern itself with the political beliefs of individuals however you must not allow your own political beliefs to interfere with the work of the Council. You must serve Councillors fairly and ensure that you respect their role.
45. You may not display party political posters, including election material, in any place of work on behalf of the Council.

#### **Equal Opportunities**

46. Birmingham City Council is committed to the promotion and implementation of equal opportunities both internally and externally.
47. Birmingham City Council aims to ensure that everyone who comes into contact with it is treated equally and not in any way disadvantaged by factors which could prevent the implementation of fair policies and operations.
48. Birmingham City Council will recognise the differences which exist and will seek to understand the needs of people within the groups which are afforded protection or assistance through this policy.
49. Birmingham City Council expects all its employees to uphold its Equal Opportunity in Employment Policy and to accept the duty not to discriminate, either in employment practices or in the provision of facilities and services by reference to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

#### **Discrimination, Harassment, and Victimisation**

50. You must treat all other employees and customers of Birmingham City Council with courtesy and respect, and must not make any remarks or gestures relating to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation which may cause offence.

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51. Any complaint of discrimination, harassment, or victimisation or complaints made on the grounds of any of the protected characteristics listed above, will be taken seriously and will be the subject of a thorough investigation.

#### **Fitness for Work**

52. The City Council accepts that alcohol is legally and freely available. You must:
- Ensure that the use of alcohol out of work does not adversely affect your work performance, the health, safety or welfare of yourself or others and does not damage the City Council's image and reputation.
  - If you are a manager, consider the options available for managing employees in the above situation and refer to the alcohol policy and guidance.
  - Not consume or be under the influence of alcohol, use illicit drugs or other illegal substances while at work.
  - Ensure that the use of any of them out of work does not adversely affect the work performance and safety of yourself or others, and does not bring the Council into disrepute.
  - If taking medication, seek the advice of your doctor to ensure that such medication will not impede your ability to do the job (e.g. operate machinery).
  - Inform your line manager of any situations where a risk to yourself or others may arise because of this.
  - If you are a manager, consider the options available for assisting employees who are required to take legally prescribed drugs and whose levels of performance has been impaired. In these circumstances a risk assessment should be undertaken.

#### **Health and Safety**

53. You have a duty to take reasonable care of yourself and to cooperate with management under the Health and Safety at Work Act 1974. These responsibilities are identified in the Council's Health and Safety policy.
54. You are required to act at all times in accordance with this policy and generally to act in such a way to ensure your own safety and that of others.
55. Any action which potentially puts at risk the health and/or safety of yourself or others will be viewed seriously and may result in disciplinary action.

#### **Attendance**

56. Your contract of employment contains the main terms and conditions of your employment with Birmingham City Council.
57. It is expected that you are available for work during these hours and take an unpaid lunch break.

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58. You must record your attendance in accordance with your workplace time recording system.

#### Smoking

59. Birmingham City Council is a non-smoking organisation.
60. You are not permitted to smoke in any of the Council's offices, or any other building owned or occupied by the Council, at any time.
61. Smoking whilst on Council's premises may be subject to disciplinary action.

#### Dress Code

62. There is a general expectation that dress will be appropriate to the nature of the duties and responsibilities of the job.
63. The Council values and welcomes the ethnic diversity of its workforce and therefore dress codes will take account of ethnic and religious dress requirements with sensitivity ensuring that employees are free to observe them.
64. Where there is a clear business case or a health and safety reason then Directorates may introduce appropriate dress codes to suit the services provided and expectation of the public.

#### Identity Badges

65. There is a general presumption that all employees issued with identity cards/badges wear them at all times. This is particularly important if you visit the public in their homes. Where managers decide that it is not practical to wear identity badges then you should have them available for inspection at all times.

#### Disciplinary Rules

66. Birmingham City Council has a Disciplinary Procedure and a Capability Procedure.
67. The Disciplinary Procedure is concerned with instances of alleged misconduct, either ordinary or gross. It is anticipated that the vast majority of breaches will be of a minor nature and that they can be resolved without recourse to a formal procedure. Some breaches will be more serious or there may be circumstances where there is repetition of a minor breach. In such circumstances the matter will be progressed under the formal procedure.
68. The Capability Procedure provides a framework for managers and employees to cope with issues of poor performance. The underlying intention of the Procedure is to give the employees who are falling below the established acceptable standards the opportunity to improve.

#### Following instructions

69. Employees are expected to follow all reasonable and lawful instructions by a person with the authority to issue such instructions unless:
- There is a danger to a person's health and safety.

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- A conflict of interest may exist.
- It does not comply with Council policy and practice.

70. Managers must be able to justify their instructions and decisions in line with their delegations, authority, and Council policy and procedures, and be open and respond promptly to constructive questions.

### Legislation

#### Contract of Employment

71. Your contract of employment is an agreement between Birmingham City Council and you which sets out your employment rights, responsibilities and duties and this includes the Code of Conduct.

#### General Data Protection Regulations (GDPR) and Data Protection Act 2018

72. The GDPR and Data Protection Act 2018 came into force in May 2018 and increase obligations on the management of personal data. GDPR is based around six principles of good information handling. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.
73. For further information of how Birmingham City Council uses your personal data you should visit our privacy notice at [www.birmingham.gov.uk/privacy](http://www.birmingham.gov.uk/privacy)

#### Freedom of Information Act 2000

74. The Freedom of Information (FOI) Act (2001) came into full force on 1st January 2005 and has created significant new rights of access to information held by all public authorities.
75. For more information, see the freedom of information guidance

#### Working Time Directive

76. The Working Time Regulations (the Regulations), introduced on 1 October 1998, provided new rights for workers ensuring that they do not have to work excessive hours. (The Regulations were amended, with effect from 1 August 2003, extending the extent to which they applied to workers in transport and offshore sectors. The Regulations applied to junior doctors from 1 August 2004.)
77. The aim of the regulations is to impose minimum requirements on employers, while at the same time allowing flexibility for workers and employers to make arrangements which suit them. One of the basic rights is a limit of an average of 48 hours a week which a worker can be required to work. However, there is provision for an opt out agreement to be signed where both the organisation and the worker are willing to increase or exclude the limit on working hours

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## **C7. EMPLOYMENT PROCEDURE RULES – JNC OFFICERS**

### **7.1 General Notes**

- i. These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations') and Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 ('the 2015 Regulations').
- ii. Full Council has delegated to the Chief Officer and Deputy Chief Officer<sup>6</sup> Appointments, Dismissals and Service Conditions Sub-Committee (the 'JNC Panel') the responsibilities set out in these employment procedure rules.

### **7.2 Recruitment and Appointment**

#### **Declarations**

- i. The Council will draw up a statement requiring any candidate for appointment as a Chief Officer or Deputy Chief Officer (Statutory or Non-Statutory) to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council, or of the partner of such persons. A candidate who fails to declare such relationship will be automatically disqualified from such appointment with immediate effect.
- ii. No candidate so related to a Councillor or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her for that purpose.
- iii. Every Member and senior officer of the Council shall disclose to the Head of Paid Service or relevant officer any relationship known to that person to exist with a candidate for any appointment. It shall be the duty of the relevant Chief Officer or Deputy Chief Officer (Statutory and Non Statutory) to report to the Council or to the JNC Panel including any Member or officer to whom power has been delegated to make an appointment, any such disclosure made by a candidate, Member, or senior officer.
- iv. The HR Director shall record in a book to be kept for the purpose particulars of such disclosure made under this Rule.
- v. Where relationship to a Member of the Council is disclosed, that Member shall withdraw from the meeting while the appointment is under consideration.

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<sup>6</sup> Chief Officers are defined in Part B1.7; Deputy Chief Officers are officers Assistant Directors or equivalent

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**Seeking support for appointment**

- vi. Subject to paragraph ~~viii~~ below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- vii. Subject to paragraph ~~viii~~ below no Councillor will seek support for any person for any appointment with the Council.
- viii. Nothing in paragraphs 7.2i and 7.2ii above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

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**Equal Opportunities**

- ix. The Council will not unlawfully discriminate in the recruitment and appointment of officers and all appointments shall be made on merit.

**7.3 Recruitment of Chief Officers and Deputy Chief Officers**

- i. The Council has appointed a JNC Panel to exercise all of its powers in relation to the appointment, discipline, grievances and dismissal of Chief Officer and Deputy Chief Officer posts, where not restricted or prohibited by law. References to the Panel include a sub-committee of the Panel established by it to carry out its functions. The Panel must include at least one member of the Cabinet.
- ii. Where the Council proposes to appoint a Chief Executive (Head of Paid Service) or a Chief Officer or Deputy Chief Officer (Statutory and Non Statutory) the Council will:
  - a) Draw up a statement specifying:
    - o The duties of the officer concerned; and
    - o Any qualifications or qualities to be sought in the person to be appointed;
  - b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - c) Make arrangements for a copy of the statement mentioned in paragraph a) to be sent to any person on request.
- iii. Where a post has been advertised as provided in rule 7.3i b) the Council shall:-
  - Interview all qualified applicants for the post, or
  - Select a shortlist of such qualified applicants and interview those included on the shortlist and
  - Give the JNC Panel the names of those candidates to be interviewed.



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- iv. Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with Rule 7.3i.b.

#### 7.4 Appointment of Chief Executive (Head of Paid Service)

- i. Following a recommendation of the JNC Panel that a particular candidate should be appointed to the post of Chief Executive (Head of Paid Service), the Director of HR shall notify every member of the Cabinet of the following:
- The name of the person to whom the JNC Panel recommends that the post be offered;
  - Any other particulars relevant to the appointment which the ~~JNC Panel~~ has notified to the Director of HR;
  - The period within which any objection to the making of the offer is to be notified to The Director of HR. The standard period will be three working days, but may be shortened by the Chair of the JNC Panel/Leader where necessary for the proper discharge of the Council's functions, subject to a minimum period of 24 hours.
  - The Director of HR has, within the period specified in the notice under paragraph c), notified the Leader that each member of the Cabinet has stated that they do not have any objection to the making of the offer; or
  - The Director of HR has notified the Leader that no objection was received from any member of the Cabinet within the specified period; or
  - The Leader is satisfied that any objection which has been received from any member of the Cabinet within the specified period is not material and/or is not well-founded or does not outweigh the other factors taken into consideration by the JNC Panel.
- ii. Where following the above procedure there are no objections to the proposed appointment or any objections are not upheld, the JNC Panel will recommend that person for appointment at the next meeting of the Full Council or at a specially convened meeting of the Council. If the full Council approves the recommendation, then a formal offer of appointment can be made.
- iii. Where following the interviews the JNC Panel is of the view that there is no suitable candidate, it will re-advertise the post.
- iv. Where full Council does not approve the recommendation of the JNC Panel, they shall indicate how they wish to proceed.

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#### 7.5 Appointment of Chief Officers (Statutory and Non-Statutory) and Deputy Chief Officers

- i. The JNC Panel will appoint all Chief Officers and Deputy Chief Officers (including the Chief Finance Officer ~~(Section 151 Officer)~~ and the Monitoring Officer) in accordance with the Council's recruitment and selection process.

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- ii. Following a recommendation of the JNC Panel that a particular candidate should be appointed; the Director of HR shall notify every member of the Cabinet of the following:
  - a) The name of the person to whom the JNC Panel recommends that the post be offered;
  - b) Any other particulars relevant to the appointment which the Employment Committee has notified to the Director of HR;
  - c) The period within which any objection to the making of the offer is to be notified to The Director of HR. The standard period will be three working days but may be shortened by the Chair of the JNC Panel/Leader where necessary for the proper discharge of the Council's functions, subject to a minimum period of 24 hours.
- iii. The Director of HR has, within the period specified in the notice under paragraph 7.5ii.c, notified the Leader that each member of the Cabinet has stated that they do not have any objection to the making of the offer; or
- iv. The Director of HR has notified the Leader that no objection was received from any member of the Cabinet within the specified period; or
- v. The Leader is satisfied that any objection which has been received from any member of the Cabinet within the specified period is not material and/or is not well-founded or does not outweigh any other factors taken into consideration by the JNC Panel.
- vi. In the event that a reasoned objection is received, the Director of HR shall refer the matter to a specially convened meeting of the JNC Panel (the members of the specially convened Panel must be the same members who recommended the appointment of the Director) and the decision of this specially convened Panel will be final.

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## 7.6 Disciplinary Action – Chief Executive (Head of Paid Service), Monitoring Officer and Chief Finance Officer (The S151 Officer)

- i. ~~The JNC Panel has power to decide whether to investigate any allegation of misconduct by a statutory chief officer and all matters relating to the conduct of the investigation and/or any subsequent disciplinary process.~~
- ii. These rules are in accordance with the 2015 Regulations.

### Suspension

- iii. The Chief Executive (Head of Paid Service), Monitoring Officer and Chief Finance Officer may be suspended ~~on full pay~~ whilst an investigation takes place into alleged misconduct. The decision to suspend the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Finance Officer shall be made by the JNC Panel.
- iv. The responsibility for implementing the suspension of the Chief Executive will be the Director of HR with the Leader of the Council and the responsibility for implementing the

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suspension of the Monitoring Officer and Chief Finance Officer will be the Chief Executive and the Director of Human Resources.

#### Disciplinary Action and Dismissal

- v. The JNC Panel may take disciplinary action short of dismissal or recommend to full Council that the Chief Executive (Head of Paid Service) or the Chief Finance Officer (S151 Officer) or the Monitoring Officer be dismissed. Only full Council can approve the dismissal of the Chief Executive (Head of Paid Service), the Chief Finance Officer (S151 Officer) or the Monitoring Officer.
- vi. An independent panel must be appointed by the authority at least 20 days before the relevant meeting and should comprise a minimum of two independent panel members appointed under s28(7) of the Localism Act 2011.
- vii. Before taking a vote at the relevant Council meeting on whether or not to approve such a dismissal, the Council must take into account, in particular-
  - a) Any advice, views or recommendations of ~~the~~ independent panel;
  - b) The conclusions of any investigation into the proposed dismissal; and
  - c) Any representations from the officer concerned.

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#### **7.7 Disciplinary Action – Chief Officers and Deputy Chief Officers (Statutory and Non-Statutory)**

- viii. The JNC Panel has power to decide whether to investigate any allegation of misconduct by a non-statutory chief officer or deputy chief officer and all matters relating to the conduct of the investigation and/or any subsequent disciplinary process.

#### Suspension

- i. Chief Officers and Deputy Chief Officers may be suspended whilst an investigation takes place into alleged misconduct. The decision to suspend on full pay shall be made by the Chief Executive (Head of Paid Service) in consultation with the Leader of the Council and/ Deputy Leader and the Director of HR.
- ii. The responsibility to implement the suspension or to implement action short of dismissal shall be the responsibility of the Head of Paid Service or their designated nominee

#### Disciplinary Action and Dismissal

- iii. The JNC Panel may dismiss or take disciplinary action short of dismissal.
- iv. Dismissal or disciplinary action short of dismissal can only take effect where no well-founded objection has been made by any member of the Cabinet. Any objection needs to relate to the Council's disciplinary, capability and related procedures and policies.

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- v. In the event that a reasoned objection is received, the Director of HR shall refer the matter to a specially convened meeting of the JNC Panel (the members of the specially convened Panel must be the same members who recommended the dismissal/disciplinary action) and the decision of this specially convened Panel will be final.

## 7.8 Grievances

- i. Grievances made by all Chief Officers and Deputy Chief Officers including the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer will be dealt with in accordance with the Council's relevant procedures at the relevant time or as set out in the Chief Officer Handbook Joint Negotiation Committee in force at the relevant time.

## 7.9 Political Assistants

- i. Not more than one political assistant's post shall be allocated by the Council, from time to time, to each of the qualifying political groups into which the Council is divided.
- ii. No appointment to a political assistant's post shall be made until the Council has allocated such a post to each qualifying political group.
- iii. For the purpose of this Rule, a "qualifying political group" means a political group which qualifies for the allocation to it of a political assistant's post in accordance with sub-sections 6 and 7 of Section 9 of the Local Government and Housing Act

## 7.10 Terms and Conditions and Remuneration

- i. Terms and Conditions of employment including remuneration of all Chief Officers and Deputy Chief Officers will be approved by the JNC Panel.

## 7.11 Annual Pay Policy Statement

- ii. Section 38 of the Localism Act 2011 requires the Council to prepare and publish a pay policy statement for the following financial year. This annual statement will set out the Council's policies relating to the remuneration of Chief officers and its lowest paid officers and the relationship between the remuneration of its Chief Officers and that of its employees who are not Chief Officers. The annual pay policy statement will be adopted by Council before the end of March of each year. The Council has the power to amend the statement in year.

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## 7.12 Appointments and Dismissal – Other Officers

- i. Appointment, and Dismissal and Disciplinary action of officers below Directors who are not Chief Officers or Deputy Chief Officers (other than assistants to political groups) are the

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responsibility of the Chief Executive (Head of Paid Service) or his/her nominee and may not be made by Councillors.

- ii. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group. Dismissal and Disciplinary action of an assistant to a political group is the responsibility of Chief Executive (Head of Paid Service) or his/her nominee, and may not be made by Councillors
- iii. Councillors will not be involved in the disciplinary process in respect of any officer below Chief Officers or Deputy Chief Officers except where such involvement is necessary for any investigation or inquiry into alleged misconduct or appeal process.

### 7.13 Membership of Committee and Virtual Meetings

- i. Membership of the JNC Panel shall comprise the Leaders of the three main political parties (or their nominees), and two other members subject to the proportionality rules. The Chair of the Panel will be the Leader of the Council or his/her nominated deputy.
- ii. The quorum for each meeting of the JNC Panel is five.
- iii. There may be circumstances when a decision of the JNC Panel may be agreed by all five members of that Panel in consultation with the Chief Executive and Director of Human Resources and Monitoring Officer or their nominated deputies without an actual meeting of that Panel taking place. The exercise of such decision shall be noted on the record of decision including setting out the reasons for the urgent circumstances.

### 7.14 Definitions

- i. In these Rules :

“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“the 2001 Regulations” means the Local Authorities (Standing Orders) Regulations 2001;

“Chief Finance Officer” has the same meaning as set out in Regulation 2 of the 2001 Regulations;

“disciplinary action” has the same meaning as set out in Regulation 2 of the 2001 Regulations;

“Director” means a Chief Officer, a Statutory Chief Officer, a Deputy Chief Officer or Deputy Statutory Chief Officer as set out below and includes the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

“Head of the Paid Service” has the same meaning as set out in Regulation 2 of the 2001 Regulations;

“member of staff” means a person appointed to or holding paid office or employment to the Council;

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“Independent Person” means a person appointed under section 28(7) of the Localism Act 2011 by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate;

“Independent Persons Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with Schedule 3 to the 2001 Regulations, including or comprising at least two Independent Persons who have accepted an invitation to be considered for appointment to the Panel and who have been appointed to it in accordance with the following priority order

(a) an independent person who has been appointed by the authority and who is a local government elector in the Council’s area;

(b) any other independent person who has been appointed by the authority;

(c) an independent person who has been appointed by another authority or authorities.

“Monitoring Officer” has the same meaning as set out in Regulation 2 of the 2001 Regulations;

“Statutory Chief Officer” has the meaning as set out in section 2 (6) of the 1989 Act and for this Council will be the Director of Adult Social Care, the Director of Children’s Services, the Chief Finance Officer/section 151 Officer, the City Solicitor and Monitoring Officer, the Director of Public Health and for this Council are also known as Directors.

“Non-Statutory Chief Officer” means a person who reports to the Head of the Paid Service or who is directly accountable to the local authority or any committee or subcommittee of the authority as set out in Section 2 (7) of the 1989 Act and for this Council will be any other Director appointed by the Council who are not Statutory Chief Officers.

“Deputy Chief Officer” means a person who for most or all of his/her duties is required to report direct, or is directly accountable, to a statutory or non-statutory Chief Officer as set out in section 2 (8) of the 1989 Act.

## C8. PLANNING CODE OF PRACTICE FOR MEMBERS AND OFFICERS<sup>7</sup>

### 8.1 Purpose of this Code

- i. This Planning Code of Practice ('the Planning Code') has been prepared to guide Members and officers in the discharge of the City Council's statutory planning functions. This Code will also inform potential developers and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its planning powers.
- ii. The Planning Code is in addition to Birmingham's adopted Code of Conduct for Members and Employees and subject to the responsibilities and requirements as set down by the Monitoring Officer from time to time. The responsibility for declaring an interest rests with individual Members and officers. Members should seek legal advice if they are unsure as to whether they have an interest which may prevent them from taking part in a discussion or vote on a particular planning application. Planning Committee Members must exercise an independent mind on issues before the Committee.
- iii. The provisions of this Planning Code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members and officers making such decisions are held accountable for those decisions. The Planning Code is also designed to assist Members and officers in dealing with approaches from property owners.
- iv. If you have any doubts about the application of this Planning Code, you should seek early advice, preferably well before any meeting takes place, from the Director (Inclusive Growth) and/or the Assistant Director Planning/Assistant Director Development.

### 8.2 Roles and responsibilities

- i. Members and officers have different but complementary roles in the planning process. Members have more than one role in the process – as Ward Members and as Planning Committee Members.

#### Ward Members not on the Planning Committee

- ii. Ward Members who are not on the Planning Committee are in a position to represent the interests of their Ward when it comes to planning and related applications. Ward Members may:
  - Observe virtual meetings of the Planning Committee
  - Submit written representations to the Planning Committee, subject to the provisions in the public participation protocol;

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- consultations on the draft heads of terms for section 106 agreements;

#### Members who are on the Planning Committee

- iii. The role of Members who are involved in the planning decision making process is to exercise their judgment properly on the planning application before them – and be seen to do this. In coming to a decision on a planning application Members should make this decision based solely on material planning considerations. Officer reports to the Planning Committee will identify what is regarded as material to a decision and if Members are unclear on what matters may or may not be material to a decision they should seek advice from officers.
- iv. Whilst Members must act within the law, the exercise of planning judgment is theirs and theirs alone. The Planning Committee must take into account all relevant ministerial guidance, local plans (and related documents) and the advice of officers. The weight Members attach to the relevant considerations is a matter of their planning judgment and Members should not give weight to non-planning related matters that may be raised by members of the public.
- v. Planning Committee Members often receive correspondence from constituents, applicants and developers asking them to support or oppose a particular proposal. Members should electronically forward a copy of the correspondence to the Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development or inform them at the Planning Committee if time is short. Merely forwarding the correspondence onto the relevant officer would not prevent the Member being involved in determining the application.
- vi. Where Planning Committee Members are involved in pre-application discussions, they should be advised by the appropriate officers of the Council, which should always include a senior planning officer. The involvement of Planning Committee Members in such discussions should be recorded as a written file record of the meeting.
- vii. Planning Committee Members should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Councillors, act as advocate or put pressure on officers for a particular recommendation.
- viii. Members are democratically accountable to their electors and to the wider public on whose behalf they act.

#### Officers

- ix.
  - vii. The Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development have a dual role in the decision making process:
    - Making decisions on the majority of planning applications under delegated powers.
    - Making recommendations on planning matters which are determined by Members at Planning Committee. When making such recommendations the function of officers is



to support and advise Members, ensure that any decision they make is lawful and identify any possible consequences of taking decisions.

### 8.3 Predetermination and Bias

- i. In making their decisions, Members of the Planning Committee should not be seen to side with either the applicant or the objector/s prior to the hearing of the application when all the relevant facts are known. Members are required to keep an open mind. This is a requirement of the law and a separate guidance note on predetermination and bias to assist Members in complying with this complex area of legislation and case law is set out in [Section C8.13](#) below.

### 8.4 Development Proposals submitted by Members and Employees

- ii. Where development proposals are submitted by Members and employees in respect of their own property or land it is particularly important that the Council ensures that such applications are handled in a way that gives no grounds for accusations of favouritism.
- iii. Serving Members of Council who submit applications or act as agents should play no part in the decision making process for that application. Further, they should not take part in the processing of the application nor should they lobby employees or officers either directly or indirectly.
- iv. Any planning officer who submits an application for their own property or on behalf of a friend or family member will inform the Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development in writing and such applications will be determined by the Planning Committee.
- v. Officers are required under the Employee Code of Conduct to make a declaration by completing the Register of Interests/Conflict of Interest Form, declaring any matters which may conflict with duties as an employee and their personal interests such as:
  - Any financial interest in any planning application;
  - Other interest where others may think that a conflict of interest may arise, such as for proposals near their residence.
- vi. In circumstances where there is a conflict of interest, the officer has no involvement in any part of the decision making process. If there is doubt about any conflict it is better to be cautious and for the officer to have no involvement.

### 8.5 Member contact with applicants and developers

- i. The Government encourages applicants to enter into pre-application discussions. Such discussions are a normal part of the planning process to seek further information and to seek to identify improvements to proposals at an early stage. These discussions and meetings provide an opportunity for the potential applicant to receive advice and

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information about the policy and technical requirements that must be met and advice on design, on community engagement and other issues which may improve the chances of an application being acceptable to the Local Planning Authority (LPA). However, it should be made clear that any guidance given will not bind the LPA to making a particular decision.

- ii. To minimise the prospect of challenges based on predetermination and bias, the guidelines below should be followed:
- It will always be made clear that any information or statements made cannot bind the LPA to making a particular decision.
  - Wherever possible, Members should be accompanied by an officer when meeting with applicants.
  - Members should refer applicants who approach them for advice to officers.
  - A written record of the discussion should be made by the officer.
  - Planning Committee Members are free to take part in meetings with potential applicants or their agents but extra care is needed to avoid any perception of predetermination or bias.

## 8.6 Planning Committee meetings

### Attendance at meetings

- i. It is important to ensure that Members taking planning decisions are in possession of all the relevant facts, including matters pointed out or that come to light during a site visit by Planning Committee, matters that may have been raised during public speaking and matters that may have been discussed and considered by Planning Committee on earlier occasions. Attendance of Members on all occasions during the application phase, i.e. once the application has been submitted, will not only demonstrate that Members are fully informed but will also ensure that high quality, consistent and sound decisions are made, and that the risks of legal challenge are minimised.
- ii. A Planning Committee Member should not vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee for the whole of the deliberations on that particular application. In the case of a virtual committee meeting that means having listened to the entire presentation and debate relating to a particular application. By taking part in the vote on a particular item, members will be deemed to have made a declaration to that effect.
- iii. In cases where an application has been discussed at Planning Committee on more than one occasion, if a Member has not attended on each occasion during the application phase and wants to take part in the decision on an application, he or she should consider whether or not they are fully apprised of all the facts and relevant information necessary to properly reach a decision. If there is any doubt, legal advice should be sought by the Member concerned.

**Conduct at meetings**

- iv. The Chair of the Planning Committee is responsible for the conduct of the meeting in accordance with the relevant Council procedure rules and for the effective delivery of business.
- v. The Planning Committee meetings are open to the public and they are often well attended particularly when there is a contentious application on the agenda. Meetings are also attended by the applicants/agents and/ or other parties supporting an application and/or objectors against an application. It is important to demonstrate that decisions have been made fairly and transparently and in the correct manner. Any debate should be confined to the planning merits of the matter.
- vi. A legal officer should always attend meetings of the Planning Committee to ensure the probity and propriety of the planning and decision-making processes.
- vii. Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chair prior to dealing with the next agenda item, and if considered necessary this may include requesting from each Member as to how they have voted, noting this and the Member's name.

**8.7 Decisions different to the officer recommendation**

- i. Decisions on planning applications must be taken in accordance with the Development Plan unless material considerations indicate otherwise. From time to time the Committee may attach different weight to the potential planning considerations and, therefore, take a decision which differs from the officer recommendation.
- ii. Where this occurs, Members must be able to give a clear basis and reason for not taking the officer recommendation. It is important to ensure, as far as possible, that any decision made will be capable of surviving a legal challenge or appeal. So in the event that this occurs the Chair will ensure that the following principles are followed:-
  - When a planning application has been deferred following a resolution not to accept the officer recommendation, the Chair shall put to the meeting a proposed statement of why the recommendation is not considered acceptable, which, when agreed by the Committee, will be formally recorded in the minutes.
  - In these circumstances, at a subsequent meeting, the Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development will respond in a further written report the provisional reasons formulated by the Committee for granting or refusing permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for the decision and a summary of those planning reasons shall be given. The reasons will then be recorded in the minutes of the meeting.
  - The officer attending the meeting should be given the opportunity to explain the implications of the decision.

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- Members should ensure they clearly identify and understand the planning reasons leading to this conclusion. These reasons must be given before the vote and be recorded.

- iii. Where an appeal to the Secretary of State is subsequently lodged against a decision which was different to the officer's recommendation, planning officers will act as a professional witness at the inquiry or hearing unless there is reason to suggest that this would prejudice the outcome. However, it should be noted that where the Planning Officer giving evidence is the officer that recommended approval, then their role is that of advocate for the Council's case.

## 8.8 Deferred applications

- i. In some cases, planning applications may come before the Committee on more than one occasion. This is particularly the case with larger schemes where a pre-application presentation and/ or an Issues report (a report which describes the stage a proposal has reached and the main issues involved) is presented to the Planning Committee, or when an application is deferred for a site visit or further information. Where an application is deferred then the reasons for deferral will be clearly stated and minuted.

## 8.9 Public speaking

- i. During the Covid 19 pandemic only virtual Planning Committee meetings are taking place and during this time all public speaking is suspended. Any ward members or members of the public wishing to make representations to the committee following the publication of an agenda can only do so by the submission of a written statement in accordance with the revised public speaking protocol.
- ii. Where Members have a disclosable pecuniary interest in the application then they must not submit representations in relation to the application, even as a member of the public, unless they have a dispensation from the Head of Paid Service.
- iii. Speakers will only be entitled to address the Committee on one occasion unless otherwise agreed by the Chair of Planning Committee on the grounds that the application has been significantly changed or amended or significant new information has been produced raising new material planning considerations. In these circumstances, speakers will only be able to speak about new matters or the amended details and not about matters which have been previously considered by the Committee.
- iv. Speakers should not raise any substantial new information (including correspondence, other documents, photographs or models) at the Planning Committee meeting, as this does not give all parties adequate time to consider and respond to the submissions, and Members of the Committee will not be able to give proper consideration to issues raised in the material.

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- v. It is important that members of the public are not permitted to communicate with or pass messages to individual Committee Members as this may give the appearance of partiality.

### 8.10 Site Visits

- i. During the Covid 19 pandemic only virtual Planning Committee meetings are taking place and during this time members are not able to request that a Planning Committee site visit take place.

### 8.11 Member training

- i. It is important that all Members involved in the planning process are aware of their role in the process and the policy and legal framework in which they operate.
- ii. Therefore, Members serving on Planning Committee must attend, as a minimum, the following compulsory training each year:
- For Members new to the Planning Committee two sessions comprising a governance and conduct session and mid-year update session;
  - For experienced Members of the Planning Committee, a single mid-year update session.
- iii. A record of attendance for the compulsory training will be maintained by Planning Officers and a list provided to Party Whips and Democratic Services for monitoring.
- iv. Other specialised training will be offered periodically throughout the year which will enhance and extend Members' knowledge of planning matters. These are not compulsory but will assist Members in carrying out their role on the Planning Committee

### 8.12 Reviewing and Updating this Guide

- i. The responsibility for reviewing and updating this Planning Code of Good Practice will be undertaken by the Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development in consultation with a meeting of the Planning Committee on an annual basis. Ad hoc reviews may occur if there are significant changes to be made; again these will be considered by a meeting of the Planning Committee.

### 8.13 Guidance Note on Bias and Predetermination in the Planning Process

#### What is Bias and Predetermination?

- i. The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation on public authorities to act fairly.

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- ii. Decision makers are entitled to be predisposed to particular views. However, predetermination occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.
- iii. The leading case on local authority bias and predetermination acknowledges the difference between judges sitting judicially and councillors making decisions in a democratic environment. Given the role of councillors, there must be 'clear pointers' before predetermination is established.

### Section 25 Localism Act 2011

- iv. Section 25(2) of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because –
  - d) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter, and
  - e) the matter was relevant to the decision.
- v. The section makes it clear that if a councillor has given a view on an issue, this, considered in isolation, does not show that the councillor has a closed mind on that issue. So, the mere fact that a councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that councillor from being able to participate in discussion of that issue and to vote on it.
- vi. Having said this, the use of the words 'just because' in section 25 suggest that other factors when combined with statements made etc. can still give rise to accusations of predetermination. This has also been the approach that the courts have taken to this issue. When considering whether predetermination has taken place they will consider all events leading to the decision (and also, where appropriate, those following the decision) rather than looking at individual events in isolation.
- vii. The case law has also made it clear that the words used by particular Members and the interpretation put on those words is of particular importance. So care still needs to be taken when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

### Guidance

- viii. With this in mind:-
  - It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation and any representations made on behalf of the applicant and any objectors.
  - It is advisable not to give a view in advance of the decision. If you do comment on a development proposal in advance of the decision, consider using a form of words that

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makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Committee meeting.

- Particular care should be taken where there are chance encounters with objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where the risk of what you say being misrepresented or taken out of context is particularly high.

#### Concluding Comments

- ix. Councillors should avoid giving a view/ making statements in advance of determination of a planning application. If such views are given, these should be declared to the Planning Committee and legal advice should be sought if necessary as to whether that particular Member can continue to be part of the decision-making process. Any views given in advance should avoid giving the impression that you have already made up your mind and that your part in the decision is a foregone conclusion.

### 8.14 Protocol for public speaking at the Planning Committee meetings

#### Introduction

- i. This Protocol sets out the procedures to allow public speaking at the meetings of the Planning Committee.
- ii. Subject to the exceptions below, public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Committee not to accept the Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development recommendation. It also does not cover applications subject to non-determination appeals, where Members' views may be sought.

#### Procedures

##### Pre-application presentations

- iii. Agents or prospective applicants have the opportunity to present their proposals to members of the Planning Committee at presentations organised in accordance with the **'Protocol for Pre-application Presentations to Planning Committee.'**

Matters for determination or other matters requiring a decision

- iv. During the Covid 19 pandemic only virtual Planning Committee meetings are taking place and during this time all public speaking is suspended. Any members of the public wishing to make representations to the committee following the publication of an agenda can only do so by the submission of a written statement in accordance with the revised public speaking protocol below.

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- v. Any reference to 'speak' refers to written representations and any reference to 'speaker' refers to an individual submitting written representations.
- vi. In order for a written submission to equate to three minutes speaking time, the submission shall be no more than 1 side of A4 and be typed on 1.5 line spacing using Arial type face no smaller than 12 font. No drawings, photographs, graphs or any other visual aid will be permitted.
- vii. Applicants, supporters and objectors to an application or other form of consent before the Committee for determination or other matter requiring a decision, will normally be allowed to submit written representations to the Committee, subject to the details of the procedure set out herein and on giving notice of their wish to do so to the Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development by no later than 12 noon on the Friday immediately preceding the Committee. The written submission itself must be emailed to Committee Services by 12 noon on the Monday immediately preceding the Committee.
- viii. Applicants, supporters or objectors will have the equivalent of a maximum of three minutes to address the Committee
- ix. In the event of more than one applicant, supporter or objector wishing to submit written representations, a spokesperson should be nominated who will submit written representations on behalf of all registered speakers. If there is no spokesperson nominated, the written submission will be equally divided between the registered speakers.
- x. Where an application is recommended for approval, objectors to an application will be heard first.
- xi. Where an application is recommended for refusal, the objector will only be allowed to speak if the applicant or supporter has registered their intention to address the Committee, except in circumstances outlined in paragraph xiii.
- xii. The applicant, supporter and objectors shall take no further part in the Committee debate.
- xiii. If the applicant or supporters do not speak in relation to an application recommended for refusal the objectors will not normally be invited to speak.
- xiv. If no objector wishes to speak to an application for approval, the applicant or supporter will not normally be invited to speak.
- xv. In the circumstances where the officer's recommendation of approval is not accepted by Committee and the applicant or supporters have not been given an opportunity to speak, they shall be given the opportunity to address the Committee for up to three minutes when detailed reasons for refusal are reported.
- xvi. In the circumstances where the officer's recommendation of refusal is not accepted by Committee and the objectors have not been given the opportunity to speak they shall be



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given an opportunity to address the Committee for up to three minutes when detailed conditions for approval are reported.

- xvii. For the avoidance of doubt applicants, supporters or objectors will only be entitled to address the Committee on one occasion unless otherwise agreed by the Chair on the basis that the application has been significantly changed or amended or significant new information has been produced raising new material planning considerations. In these circumstances, speakers should only speak about new matters or the amended details, not about matters which have been previously considered by the Committee.

#### Passing around of information

- xviii. The circulation of materials will not ~~normally~~ be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new information. Members of the Committee will not be able to give proper consideration of any new issues raised in the material.

#### Members of Planning Committee

- xix. A Member of the Planning Committee having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting and may not participate in the discussion or vote on the matter and must leave the room.
- xx. In line with the Birmingham Code of Conduct for Members, a Member must declare any interest in an application and complete the Register of Interest/Conflict of Interest Form.
- xxi. No Members with a disclosable pecuniary interest (whether they are a member of the Planning Committee or not) are entitled to address the Committee in accordance with the terms of this protocol for public speaking.

#### Review

- xxii. This Protocol may be reviewed, revised or revoked by the Director (Inclusive Growth) or Assistant Director Planning/Assistant Director Development in consultation with a meeting of the Planning Committee at any time.

#### Note:

- xxiii. For the purposes of this code, reference to 'attending' a meeting of the Planning Committee includes reference to attendees being in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

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## C9. LICENSING COMMITTEE CODE OF PRACTICE FOR MEMBERS AND OFFICERS

### 9.1 Purpose of This Code

- i. This Licensing Code of Practice ('the Licensing Code') has been prepared to guide Members and officers in the discharge of the City Council's statutory Licensing functions. This Code will also inform potential applicants and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its Licensing powers.
- ii. The Licensing Code is in addition to Birmingham's Code of Conduct for Members, which was adopted by the City Council in June 2012. For the avoidance of doubt, when an Executive Member attends and participates in the decision-making of the Licensing Committee, s/he does so as a Member of the Committee and not as a Member of the Executive. Accordingly, s/he must, along with other Members of the Committee, exercise an independent mind on issues before the Committee.
- iii. The provisions of this Licensing Code are designed to ensure that Licensing decisions are taken on proper grounds, are applied in a consistent and open manner and that Members making such decisions are held accountable for those decisions. The Licensing Code is also designed to assist Members and officers in dealing with approaches from applicants or those who already have a relevant Licence/permit, etc.
- iv. Throughout this Code, reference is made to the Licensing Committee. This refers to the Licensing and Public Protection Committee ("LPPC"), in the context of its determination of applications for licences i.e where the Committee performs the functions of the Licensing Authority, rather than in the context of non-Licensing Authority decisions.
- v. Any reference to Licensing Committee equally refers to any Licensing Sub-Committee.

### 9.2 Context

- i. This Licensing Code applies to both Councillors and officers– it is not therefore restricted to Licensing Committee members. The successful operation of the Licensing system relies on mutual trust and understanding of each other's role. It also relies on both Members and officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.
- ii. The Human Rights Act provides additional safeguards for citizens, and encourages the application of best practice. Article 6 is concerned with guaranteeing a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations.
- iii. This code must be read in conjunction with (where appropriate):
  - The LPPC Policies, Procedures and Delegations;

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- The Statement of Licensing Policy;
- Home Office Guidance (s182) – issued under S182 Licensing Act 2003;
- The Statement of Gambling Principles and relevant guidance issued by the Gambling Commission;
- The Sexual Entertainment Venue Policy;
- Code of Conduct for Members;
- Code of Conduct for officers.

### 9.3 General Considerations

- i. In relation to Hackney Carriage and Private Hire applications (generally speaking) the Licensing Authority MUST NOT issue a licence to a driver, operator or vehicle proprietor unless they are satisfied the applicant is a fit and proper person.
- ii. In relation to Licensing Act matters, where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn, the licensing authority MUST grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act.
- iii. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations.
- iv. Birmingham City Council's [Code of Conduct for Members](#) (section C4) must be complied with throughout the decision making process, which includes mandatory requirements with regard to Member interests.
- v. The responsibility for declaring an interest rests with individual Members and officers of the Council. This Licensing Code outlines further rules applicable to the Licensing process in Birmingham.
- vi. Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst officers are responsible to the Council as a whole. This applies equally to traditional forms of political management based on Committees and to models based on forms of executives or elected mayors. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to officers through a decision of the Council, the Executive or a Committee. A successful relationship between Councillors and officers can only be based upon mutual trust, respect,

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courtesy and understanding of each other's positions. This relationship, and the trust which underpins it, should never be abused or compromised.

- vii. Both Councillors and officers are guided by Codes of Conduct. Birmingham's [Code of Conduct for Members](#) (section C4) provides standards and guidance for Councillors. Employees are subject to the [Employees' Code of Conduct](#) (Section C6). In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business. There is also a Member / Officer Protocol that assists in defining the relation with both.
- viii. Birmingham's Code of Conduct for Members sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which Councillors participate in the Licensing process. Of particular relevance to Councillors serving on the Licensing Committee or Executive, or who become involved in making a Licensing decision, is the requirement that a Member must not use their position improperly for personal gain or to advantage friends or close associates.
- ix. The basis of the Licensing system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved.
- x. From time to time applicants or other parties may submit confidential information, for example a financial appraisal, or evidence from an ongoing criminal matter in relation to an application. Such information will be taken into account in relation to determination of the application, but such information may be exempt from the requirement from disclosure.

#### Public Speaking

- xi. During public speaking at Licensing Committee, the following should not occur:-
- Members should not cross-examine members of the public at any time;
  - Members should not ask leading questions of officers or members of the public as by way of introducing new facts to the debate;
  - Members should only ask relevant questions; and
  - Late evidence should not be introduced by speakers at Committee – unless authorised at the discretion of the Chairperson with the agreement of all parties.

#### Conflicts of Interest

- xii. Some Members in general are more likely than others to be uncomfortable in the role of Licensing Committee Member owing to the combined pressures of their local business interests, the Ward Member advocate role, and the constraints of the Licensing system.

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Any potential licence-related background may also give rise to a perception by the public that they are more likely to be in favour of an application, even where they are determining cases completely impartially. In order to minimise the risk for the Council and the Member concerned, the Member in question should discuss their position carefully with the Assistant Director of Regulation and Enforcement and Monitoring Officer for the Council, to see whether it would be suitable for him/her to become a Member of Licensing Committee or if already a Member take part in the determination of any applications before them.

## 9.4 Lobbying and Attendance at Public Meetings

### General

- i. Given the requirement that Members of the Licensing Committee should exercise an independent mind to applications in accordance with the relevant considerations, Members must not favour any person, company, group or locality. Members can, of course, form and express a personal opinion on Licensing applications but they are advised to indicate that they will only form a final opinion about an application after full consideration of all the evidence, representations and submissions made. Members should be careful not to publicly commit themselves to a particular outcome on an application prior to its full consideration at Committee, as to do so could be perceived by others as the Member having closed his/her mind to hearing all the relevant considerations. If that were to happen, he/she should be asked by the Chairman of the Committee, the Assistant Director of Regulation and Enforcement and/or the Monitoring Officer (or their representatives) not to:
  - a) Take any further part in the consideration of the application; and
  - b) Vote on the application. This can only be transparently demonstrated by the relevant Member not attending the meeting or leaving the Committee Room in order to ensure the integrity of the whole decision making process. If the relevant Member wishes to speak at Committee then they should declare their pre-determined position and withdraw from the meeting. This is to ensure Members of the Licensing Committee do not, by their presence, influence or seek to influence the remainder of the decision making body. Members should always notify Committee of any approach by any group, person or company prior to the discussion of the relevant matter.
- ii. Members of the Committee who may be involved in the determination of an application are, of course, free to listen to a point of view about a proposal, give procedural advice and agree to forward any comments, but should then refer the person to officers. Members in this situation may indicate (or give the impression of) support for or opposition to a proposal, but should avoid giving the impression of a closed mind.

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- iii. Whilst Members involved in making decisions on applications may begin to form a view as more information and opinions become available, a decision can only be taken by the Committee after all available information is to hand and has been duly considered. In this regard, any political group meetings prior to the Committee meeting should not be used to determine how Councillors should vote. Decisions can only be taken after full consideration of the evidence, representations and submissions made.
- iv. The Chairman of the Committee should attend a briefing with officers prior to a Full Committee meeting, to help give an effective lead in the Committee.
- v. Councillors involved in decision making on Licence applications should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Councillors, act as advocate or put pressure on officers for a particular recommendation. However, other Councillors (who are not part of the decision making process) within that Committee Member's Ward, can make written representations to the Licensing Committee.
- vi. A Member involved in determining applications may respond to lobbying by openly expressing an opinion prior to the full report of the Assistant Director of Regulation and Enforcement to a Committee meeting (and there may be particular local circumstances where this is considered appropriate) but should indicate they will not make a final decision until after full consideration of all the evidence, representations and submissions.
- vii. If a Member involved in determining applications goes so far as to make it clear beyond doubt that they have a completely closed mind which could not be shifted, this would amount to predetermination and the Member concerned should respond as in C9.4i.
- viii. Where Members involved in the determination of applications are in attendance at public meetings or Ward meetings they may listen to the debate on current applications, provide advice about procedures involved in determining an application and express a view about an application but should respond as in C9.4vi.

#### Members Predetermination of Applications

- ix. Section 25 of the Localism Act 2011 states that prior indications of a view of a matter do not amount to predetermination in the following situations:
  - (2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because-
    - (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter and
    - (b) the matter was relevant to the decision.
- x. The advice provided by the Monitoring Officer is that this is the present position with regard to the Legislation but, whilst Members are entitled to express a view in relation to

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an application, Members should indicate they still have an open mind in relation to an application until they have had the opportunity to consider the report of the Assistant Director of Regulation and Enforcement and that the final decision in relation to the application can only be made by Committee. This caveat is intended to safeguard so far as possible the decision made by Committee from Judicial Review until further case law and guidance has assisted with the interpretation of Section 25 of the Localism Act 2011.

#### Dealing with Correspondence

- xi. Members of the Committee and Executive often receive correspondence from constituents, applicants and other interested parties asking them to support or oppose a particular proposal. Members should forward a copy of the correspondence to the Director of Regulation and Enforcement or inform him/her at the Committee if time is short. Merely forwarding the correspondence onto the relevant officer would not prevent the Member being involved in determining the application.
- xii. Communication which is intended to be an objection to (or support for) a licence application MUST be properly served on the Licensing Service, not with elected members or other Council Officers. Such communication should be forwarded immediately to the Licensing Offices.

#### Pre-Application Discussions

- xiii. When involved in pre-application discussions, officers should always act fairly to all and completely impartially by providing accurate advice and assistance when required or requested by the general public, applicants or Members. A written record of all such discussions must be retained on the Licensing file.

#### Site Visits by Members with Officers (Uncommon)

- xiv. The deferral of a relevant application for a site visit should not be on the basis of exposing members of the Committee to local opinion, but should be on sound and proper Licensing reasons, which shall be recorded in the minutes of the meeting.
- xv. Under the Chairman's guidance the role of the Licensing Officer attending the site visit will be:
  - a) To brief Members on the Licensing applications(s), the subject of the visit and explain the reasons why the application was deferred for a visit;
  - b) To ensure that the views of all interested parties are heard by all Members on the site visit and accurately recorded. Officers will prepare a written report of the site visit which will be taken back to Licensing Committee to form the basis of a further discussion at a subsequent meeting.
- xvi. The Chairman (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit.

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- xvii. Officers shall ensure, where practical, that applicants, Members and interested parties are invited to attend the visit and that they are able to view all key parts of the site, which is the subject of the Applications.
- xviii. The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the Licensing application and which would not be apparent from the Licensing application to be considered by the Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area, and is an opportunity to hear the views of the members of the public, applicants and other interested parties. Discussions on site visits shall be confined to the application as currently submitted. A Member of Committee who has an interest in a Licensing application, or who has acted in a way that amounts to predetermination, cannot attend the site visit in his or her capacity as a Member of Licensing Committee. However, the Member concerned would be entitled to attend the site visit in his or her personal capacity as a member of the public.
- xix. Whilst on site visits, Members of Committee can express an opinion on the application or its merits, but should avoid making comments or acting in a way which makes it clear beyond doubt that they have a completely closed mind, as this would amount to predetermination. Whilst Members of Committee are not prevented from engaging individually in discussion with applicants or objectors, to ensure transparency of public dealing by Members and effective /orderly management of the site visit, it is recommended that any question of the applicant(s) / objector(s) by the Licensing Officer and/or Members should be made in the presence of the other parties (or their representatives if there is a large scale public interest).
- xx. Members and officers are obligated not to waste Council resources and, as such, a site visit is only likely to be necessary if:
- the impact of the proposed application is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
  - there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- xxi. Where there is substantial public interest in a proposal and relevant representations have been made, the Council may invite all parties to visit the site so that they may point out all the areas of contention to Members of the Licensing Committee and give their views. A note of proceedings will be taken at these meetings and minutes kept as part of the official record.
- xxii. Results of the site visit will be reported to the next available meeting of the Committee.



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- xxiii. Once the results of a site visit have been reported back to Committee, Members of the Committee who were not present at the site visit can ask questions, offer opinions, take part in discussions and vote in relation to that Licensing application.

#### The Role of Ward Councillors and MPs on Site Visits

- xxiv. Where relevant representations have been made, Ward Councillors and MPs may attend and participate in site visits putting forward their point of view. However, the determination of Licensing applications rests solely with the Licensing Committee and no indication should be given by Members of the Committee of the likely decision during the course of the site visit.

### 9.5 Meetings of the Licensing Committee

- i. A Member shall not vote in relation to any Licensing application unless he or she has been present in the meeting of the Licensing Committee for the whole of the deliberations on that particular application.
- ii. A senior legal officer should always attend meetings of the Licensing Committee to ensure the probity and propriety of the Licensing and decision-making processes.
- iii. Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chairman prior to dealing with the next agenda item, by requesting from each Member as to how they have voted, noting this and the Member's name.
- iv. Chairmanship: the chairman should ensure
  - Members' comments at Committee only relate to the relevant merits of the application before them;
  - Reference at Committee to matters which are not relevant should be disregarded;
  - The cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined; and done in accordance with the appropriate Procedural Rules for the Hearing in question.

### 9.6 Training

- i. Members dealing with Licensing issues will attend such training sessions as required each year to receive guidance in relation to Licensing matters and processes and on procedural matters such as declaration of pecuniary or non-pecuniary interests. Training will be conducted in accordance with the training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee. This training should include a balance of the following:-
  - Short (half day) sessions on special topics of interest or where appeals have indicated problems with Licensing policy;

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- Special topic groups to consider thorny issues in depth;
- Formal training by internal and external speakers;
- Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session.

### 9.7 Licence Applications Submitted by Councillors and Officers

- Serving Councillors or their relatives who act as agents for people pursuing a Licensing matter will not be permitted to play any part in the decision making process for that proposal. Similarly, should they or their relatives submit their own proposal to the Council, they will take no part in its processing, as in both cases they will have an interest in the matters.
- In cases where officers of this Department or members of their family submit a licence application, or where they have an interest in a particular application they should inform the Assistant Director of Regulation and Enforcement and Monitoring Officer accordingly (e.g. where an application is submitted by a limited company and an Officer is a director (or similar) of the company).

### 9.8 Registration and Declaration of Interests

- The Localism Act 2011 and the Birmingham Code of Conduct for Members place requirements on Members on the Registration and Declaration of their interests and the consequence for the Members' participation in consideration of an issue in the light of those interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests is dealt with by the Birmingham Code of Conduct for Members.

### 9.9 Complaints about the Determination of Licensing Applications

- Whatever procedures the City Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- There is a city-wide procedure for dealing with complaints, as well as customer comments and compliments. Complaints alleging a breach of the Birmingham's Code of Conduct for Members must be reported to the Monitoring Officer.
- So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. The guiding rule

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is that every application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, why and how it had been reached. Particular care needs to be taken with applications determined under the powers delegated to the Assistant Director of Regulation and Enforcement, where there is no report to a Committee. Such decisions should be well documented and form part of the case file.

- iv. It is preferable to use the complaints procedure prior to any recourse to the Local Government Ombudsman.
- v. Where any right of appeal exists against a decision of the Licensing Committee, that right is to be communicated at the time of the notification of decision.
- vi. Where the complaint relates to the decision made by the Licensing Committee, this decision cannot be overturned other than by following the statutory appeal process if one exists. No complaint procedure can overturn the decision of the Committee.

#### 10. Concluding Remarks

- vii. Maintaining high ethical standards enhances the general reputation of the City Council, its Members and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. A common understanding of the various roles, responsibilities and accountabilities should also enhance citizen participation. This Licensing Code, along with Birmingham City Council's Code of Conduct for Members, therefore, serves an essential part in the local and corporate governance of Birmingham City Council.
- viii. The City Council's Head of Paid Service, the Monitoring Officer and the Section 151 Officer have been consulted over this Licensing Code.
- ix. If any person believes that a Member or Officer has breached any aspect of this Licensing Code, s/he should refer the matter to the City Council's Monitoring Officer.

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## C10. MEMBERS ALLOWANCE SCHEME

- i. The City Council's Members Allowances Scheme, made under Section 18 of the Local Government and Housing Act 1989 and as amended on 30th April 2001, was agreed by the City Council at the meeting on 13 April 2021.
- ii. The Scheme can be found [here](#).<sup>8</sup>

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[https://www.birmingham.gov.uk/downloads/download/910/members\\_allowances](https://www.birmingham.gov.uk/downloads/download/910/members_allowances)

~~May 2021, Draft March 2021~~**Deleted:** September**Deleted:** 19**Deleted:** Amended November 2020**Commented [EW4]:** New section**C11. PROTOCOL ON SUBSTITUTE MEMBERS****11.1 Key Principles**

- i. Formal substitutes are not appointed by Full Council for Birmingham City Council committees.
- ii. Formal substitutes are appointed for some joint committees:
  - West Midlands Police and Crime Panel
  - West Midlands Combined Authority Board
  - WMCA Overview and Scrutiny Committee
  - WMCA Audit, Risk & Assurance Committee
- iii. For how these committees operate substitute members, see the rules of procedure for each committee.
- iv. A committee may have substitute members if the Constitution allows it – currently Health and Wellbeing Board, Cabinet Committee Group Company Governance and Licensing Sub-Committees.
- v. Members are responsible for finding their own substitutes.
- vi. A substitute member shall be entitled to attend in place of a regular Member provided:
  - That the Chair and Committee Services has been notified of any substitution before the meeting begins.
  - That a Cabinet Member may only be substituted by another Cabinet Member.
- vii. The substitute arrangement must be announced at the beginning of the meeting and recorded in the minutes.
- viii. A substitute member will be able to vote during the meeting only when s/he is acting as a substitute for a regular Member.
- ix. If the substitution is for a committee where political proportionality rules apply, the substitute member must be a member of the Council drawn from the same political group as the ordinary member who is unable to attend the meeting and must not already be a member of the Committee concerned.
- x. With the exception of Licensing sub-Committee, a member acting as a substitute for the Chair or Vice-Chair of a committee will not, by virtue of that substitution, be entitled to act in either capacity. In the absence of both the Chair and Vice-Chair from a meeting (and the appointment of substitute members to attend in their place) the meeting shall appoint a Chair for the meeting who may be drawn from any members (including any substitute member) present and with voting rights.

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- xi. The substitute member may speak and vote in their own capacity and is not constrained by the views of the ordinary member they are replacing.
- xii. Once an agenda item has begun with a substitute member attending, the regular Member in respect of whom notification has been received, shall not be entitled to vote on the agenda item as a Member of the Committee.
- xiii. Once a meeting has started with the ordinary member in place, no substitution can then be made during the course of the meeting to replace that member.
- xiv. If the substitute member fails to attend and the ordinary member is present, then the ordinary member may take their place on the committee with full voting rights.
- xv. Where a substitute member has attended a meeting which is adjourned, the ordinary member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.
- xvi. Substitute members must receive copies of agendas and reports of the committees they are assigned to at the same time as ordinary members.

#### **Licensing Sub-Committees**

- xvii. In relation to each ordinary business Licensing Sub-Committee, the Licensing Committee has appointed a pool of substitute Members, comprising all other suitably trained members of the Licensing and Public Protection Committee. As the pool of members is therefore limited, whilst every effort will be made to ensure proportionality, it may not always be possible.
- xviii. A substitute Member will have all the powers and duties of any regular Member of the Licensing Sub-Committee but will not be able to exercise any special powers or duties exercisable by the person for whom s/he is substituting.
- xix. No substitute member at Licensing Sub- Committees may vote unless they have been present for the entire consideration of the item under discussion.



# Birmingham City Council Constitution

## Part D – Finance, Contract and Procurement Rules

May 2021

(Draft March 2021)

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## D1. FINANCIAL REGULATIONS

### 1.1 Financial Regulations

- i. Financial Regulations set out the key rules for the management of the Council's Finances that must be observed by all employees and Members and anyone acting for the Council in a consultancy or interim capacity.
  - ii. These Financial Regulations link closely to the Financial Arrangements that set out the responsibilities of Members, The Chief Finance Officer and Directors to ensure compliance with these regulations.
- 
- FR1. All employees and all Members must at all times when engaged on Council activities act in the interests of the Council as a whole.
- FR2. All employees and all Members must adopt the highest standards of financial probity, including declaring all relevant financial interests to the Monitoring Officer or their Director as appropriate.
- FR3. All employees and all Members have a duty to report any unlawful or potentially unlawful spending or financial irregularity at the earliest opportunity
- FR4. All employees and all Members must comply with the Financial Approval Framework which sets out the parameters for making financial decisions (Appendix A).
- FR5. The Council appoints a Chief Finance Officer under S151 of the Local Government Act 1972, who is responsible for the proper administration of the City Council's Financial Affairs.
- FR6. All employees and all Members must comply at all times with Financial Regulations and the associated Financial Regulatory Framework established and maintained by the S151 Officer, including: -
- a) Financial Regulations
  - b) Financial Governance Framework
  - c) Financial Procedures
  - d) Financial Management Tool "My Finance"
- FR7. All employees and all Members must act reasonably and within the spirit of the financial regulatory framework.
- FR8. Financial Regulations and the Financial Governance Framework will be reviewed annually by the Chief Finance Officer and approved by Council. The Chief Finance Officer is responsible for setting Financial Procedures and the Financial Management Tool "My Finance" and ensuring that these remain up to date.
- FR9. All activities must be in accordance with:
- a) Legislation.

- b) Approved Council strategies.
  - c) Approved revenue budgets and capital programmes.
  - d) Relevant Council policies
  - e) All appropriate professional codes of practice (e.g. CIPFA codes)
- FR10. Best value and value for money must be sought in all activities, including the procurement and commissioning of goods and services and the acquisition and disposal of assets.
- FR11. All employees and all Members have a duty to maintain the security of Council assets and computer systems that contain financial, commercial, and personal information.
- FR12. All managers have a duty to identify, assess and mitigate existing and emerging risks facing the Council and ensure that there are appropriate insurance arrangements in place to manage those unmitigated risks.
- FR13. The Council, assisted by the Cabinet, will maintain financial oversight of all financial activities in line with the Financial Accountability Framework supported by the Chief Finance Officer, who delivers appropriate transparency and reporting on the delivery of this framework.
- FR14. The Council will appoint an Audit Committee to keep under review its risk management and internal control processes and advise it on any changes that need to be made to strengthen governance arrangements.
- FR15. The Chief Finance Officer will fulfil their statutory responsibility in line with the Chief Finance Officer Protocol at Appendix B to ensure there are appropriate and adequate systems and procedures within the Council to:
- a) Ensure that financial plans are realistic and affordable
  - b) Report to the Council if they consider that it no longer has sufficient resources to deliver its financial plans (S114 report)
  - c) Account for all income and expenditure.
  - d) Protect assets from loss, waste, theft, or fraud
- FR16. The Chief Finance Officer, or their representative, has the right to be present and give appropriate advice, at all meetings, where the Council's financial arrangements are discussed.
- FR17. Directors, under the Financial Accountability Framework are responsible for the control and management of all resources of all kinds, including capital and revenue budgets made available to them and must ensure that they and all of their staff comply with all relevant financial guidance and controls in managing those resources.
- FR18. Directors must provide an annual assurance statement to the Chief Finance Officer, in the format prescribed by the Chief Finance Officer, to confirm that their Directorate has complied with Financial Regulations and Financial Procedure rules. This will set out clearly how they have gained this assurance.

FR19 All references within this document to employees include consultants or anyone acting on a temporary or interim basis for the Council.

FR20 These regulations also apply to all Council bodies, trading bodies or associated organisations unless the Chief Finance Officer specifically agrees that other arrangements will be followed. The Financial Regulations exclude schools for which separate regulations apply.

FR21 Failure to comply with Financial Regulations, or instructions issued under them, may constitute misconduct.

## 1.2 Financial Accountability Arrangements to Deliver Sound Financial Management

- i. Financial Accountability Arrangements set out the role of Members, the Chief Finance Officer and Directors in delivering sound financial management across the Council.

### THE ROLE OF MEMBERS

- ii. The Constitution sets out the specific roles of Council and Cabinet and the extent to which Cabinet will fulfil the roles set out below.

### FA1 Financial Planning & Control

The Council sets the spending plans for Birmingham City Council on an annual basis, advised by the S151 Officer, to conform with all necessary legislation and will: -

- (i) approve the Annual Financial Plan (including the revenue and capital budget) for each financial year before the preceding 10 March.
  - a. Medium Term Financial Plan
  - b. Reserves Strategy and Policy
  - c. Charging Policy and associated fees & charges
  - d. Capital Strategy and associated five-year capital programme
  - e. Treasury Management Strategy
- (ii) approve the level of Council Tax in accordance with the Local Government Finance Act 1992.

### FA2 Financial Management

The Council or Cabinet will approve significant in-year variations to the Revenue Budget or the Capital Programme, in line with the agreed thresholds set out in Annex A. This includes:

- (i) Virement of significant sums of money between budget headings
- (ii) Substantial new additional spending not included within revenue budget plans
- (iii) Significant variations to the Capital Programme
- (iv) The creation or unplanned use of reserves not included within the approved Revenue Budget or Capital Programme
- (v) The carry-forward of unspent revenue or capital budgets at the year end.

#### **FA3 Financial Assurance and Oversight**

The Council gains assurance that its financial plans are being delivered effectively and within available resources by:

- (i) Quarterly Monitoring Reports on the Revenue Budget and Capital Programme
- (ii) Half-yearly reports on the implementation of the Treasury Management Strategy
- (iii) The out-turn report
- (iv) The Annual Statement of Accounts, including the Annual Governance Statement
- (v) The Annual report of the Audit Committee

#### **FA4 Financial Governance**

The Council will appoint an Audit Committee to oversee financial governance

- (i) The Audit Committee agrees the annual audit plan and internal audit protocol
- (ii) The Assistant Director Internal Audit & Risk Management reports to the Audit Committee on at least a quarterly basis on the implementation of the Audit Plan and key recommendations.
- (iii) The Audit Committee approves the Annual Governance Statement, prior to sign off and receives the report of the External Auditor on their audit of the City Council's accounts

#### **FA5 Core Strategies that support Sound Financial Management**

The Council agrees core strategies that support Sound Financial Management including:

- (i) Anti-Fraud & Corruption Strategy
- (ii) Anti - Money Laundering Policy
- (iii) Whistle-blowing Strategy
- (iv) Risk Management Strategy
- (v) Insurance Strategy
- (vi) Contracts and Procurement Regulations

#### **FA6 Delivery and adherence to Core Strategies**

The Council monitors the delivery and adherence to core strategies by receiving reports on at least an annual basis on their implementation.

#### **THE CHIEF FINANCE OFFICER (S151 Officer)**

- iii. The Chief Finance Officer has a statutory responsibility for the proper administration of the Council's financial affairs. CIPFA, the public sector professional finance body have set

out five principles that define core activities and behaviours that belong to the role of the Chief Finance Officer:

- a. The Chief Finance Officer should be a key member of the Leadership Team, helping the organisation to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest.
- b. The Chief Finance Officer must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and aligned with the organisation's financial strategy
- c. The Chief Finance Officer must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently, and effectively.
- d. To deliver these responsibilities the Chief Finance Officer must lead and direct a finance function that is resourced to be fit for purpose; and
- e. The Chief Finance Officer must be professionally qualified and suitably experienced.

#### **FB1 Financial Planning**

- (i) Advising on the completeness of financial estimates
- (ii) Assessing the robustness of reserves to support the revenue budget
- (iii) Preparing a reserves strategy to support the revenue budget and capital programme
- (iv) Preparing and keeping under review a medium-term financial plan
- (v) Ensuring that the financial implications of the Capital Strategy and Capital Programme are affordable as measured by Prudential Indicators
- (vi) Preparing an annual Treasury Management Strategy
- (vii) Ensuring that all Council tax calculations accord with statutory requirements.

#### **FB2 Financial Management & Control**

- (i) Overseeing the delivery of the budget and capital programme within the parameters set by the Council
- (ii) Establishing processes to ensure that any spending or virement that exceeds the set parameters is brought to the appropriate Cabinet/Council for decision
- (iii) Establishing processes to prioritise capital and revenue spending against key Council aims and objectives
- (iv) Establishing a business case process for capital and revenue funding bids
- (v) Establishing a gateway process for all new capital schemes to ensure that they align with core council aims and objectives and its capital strategy
- (vi) Advising, developing, and leading on plans to achieve a balanced budget and manage projected medium-term budget deficits.

**FB3 Financial Oversight**

- (i) Preparing at a minimum *quarterly* monitoring reports on the revenue budget and capital programme, including an update on the medium-term financial plan on a half yearly basis.
- (ii) Bringing to the prompt attention of Members any significant overspending or potentially unlawful spending.
- (iii) Preparing a half-yearly report on the implementation of the Treasury Management Strategy
- (iv) Preparing annual accounts, including the Annual Governance Statement in accordance with all necessary statutory requirements, and within statutory timescales.

**FB4 Financial Governance**

- (i) Ensuring an appropriate system of internal control exists throughout the Council including issuing financial procedure rules and the "My Finance" financial management toolkit to make all officers aware of their responsibilities regarding sound financial management.
- (ii) Ensuring that appropriate arrangements are in place to deliver an effective internal audit service in line with the Accounts and Audit (England) Regulations 2015.
- (iii) Making appropriate arrangements for external audit in line with Local Audit & Accountability Act.
- (iv) Ensuring open and unfettered access for internal and external auditors throughout the Council.

**FB5 Core Strategies that Support the Budget**

- (i) In consultation with the Assistant Director (Internal Audit & Risk Management) preparing and keeping under review an Anti-Fraud and corruption strategy
- (ii) Ensuring that the Risk Management Strategy highlights the financial impact of all risks facing the Council and this informs financial plans
- (iii) Preparing an Insurance Strategy
- (iv) Ensuring that contracts and procurement guidelines are followed in the ordering and procurement of goods and services.

**FB6 Delivery and Adherence to Core Strategies**

- (i) Preparing an annual report on the delivery of the Anti-fraud and corruption strategy
- (ii) Reporting on at least a half-yearly basis to the Audit Committee on the risk management strategy and key risks facing the Council
- (iii) Preparing an annual report on the implementation of the insurance strategy

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- (iv) Annual report on contracts awarded and tender waivers.
- (v) Reporting annually on the operation of the Anti-Money Laundering Policy

#### **ROLE OF DIRECTORS**

- iv. For the purposes of these regulations this means the Chief Executive, Monitoring Officer and All Directors of Birmingham City Council, together with the Chief Executive and Directors of other associated organisations, who adopt the financial regulations of Birmingham City Council. Directors have prime responsibility for their budgets and ultimate responsibility for the financial management of all resources allocated to them.

#### **FC1 Financial Planning & Control**

- (i) Ensuring that the Chief Finance Officer is aware of new service and financial pressures that impact on the medium-term financial plan.
- (ii) Preparing financial estimates in accordance with financial guidance.
- (iii) Ensuring that proper and legal budgets have been set that accord with the overall Council budget.
- (iv) Maintaining and collecting sufficient performance information to assess the financial impact of changing demand for the service.
- (v) Preparing Equality Impact Needs Assessments for their areas of responsibility and for any proposals for major change, in a format specified by the Cohesion and Partnerships Manager.
- (vi) Preparing plans and strategies that support the Capital Strategy, including the IT and Digital strategy, Asset Management Plan, Estates Strategy

#### **FC2 Financial Management**

- (i) Ensuring that net expenditure (revenue and capital) in their areas of responsibility does not exceed the annual budgets set for their services and projects.
- (ii) Ensuring that each budget has a designated budget holder and that each capital project has a designated project manager.
- (iii) Ensuring that monitoring and forecasting of in-year spending is realistic and accurately reflects current and future demand and commitments for the service.
- (iv) Complying with all financial guidance concerning the preparation of business cases and the gateway process.
- (v) Ensuring that the financial implications of key decisions are included within any report seeking additional in-year revenue or capital funding.
- (vi) Complying with all financial limits concerning the virement of budgets or the in-year approval of new capital and revenue spending
- (vii) Developing and implementing plans to contribute to a balanced budget as part of the overall budget management strategy lead by the Chief Finance Officer
- (viii) Ensuring the identification, reconciliation, recording and security of all income due/received.
- (ix) Ensuring the security, custody, and management of all assets.



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### **FC3 Financial Oversight**

- (i) Ensuring that all expenditure is lawful (intra vires), has been properly authorised and all necessary processes have been complied with.
- (ii) Ensuring there are adequate controls and procedures in operation within their department.
- (iii) Each Director must report to the Monitoring Officer and the Chief Finance Officer where there is doubt over the legality of proposed, or already incurred, expenditure and or actions.
- (iv) Complying with all financial procedures and requirements to maintain accurate and comprehensive financial records.
- (v) Observing all year end processes and timetables to prepare financial information to be consolidated within the Council's statement of accounts, including robust and evidence-based forecasting of spend as part of the closedown process.

### **FC4 Financial Governance**

- (i) Co-operating and engaging effectively with their Finance Business Partner to ensure that the Business Partner is involved in all key financial decisions affecting their directorate.
- (ii) Ensuring they have appropriate organisational structures in place to achieve effective financial administration in the fulfilment of their service responsibilities and to comply with the financial regulatory environment.
- (iii) Ensuring they have effective financial systems, processes and procedures in place that meet the requirement of the Chief Finance Officer.
- (iv) Ensuring that all of their employees receive up to date financial and systems training to properly perform their duties.
- (v) Providing open and unfettered access to internal and external auditors.
- (vi) Implementing agreed internal audit recommendations within agreed timescales.

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### **FC5 Core Strategies that Support the Budget**

- (i) Ensuring that designated risk owners are appointed for all risks identified and managed within their directorate
- (ii) *Ensuring that appropriate insurance is arranged in line with the Insurance strategy*
- (iii) Preparing and keeping under review the Whistle Blowing Policy (Monitoring Officer)

### **FC6 Delivery and Adherence to Core Strategies**

- (i) Directors will maintain appropriate systems to enable the Chief Finance Officer to collect information on the adherence to core strategies.

**Appendix A: Financial Approval Framework**

CFO – Chief Finance Officer

		Within Director Delegations ( <a href="#">note 1</a> )	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 – up to £500,000	£500,000 (revenue)
<b>1.</b>	<b>Revenue Budget and Resources Approvals</b>			
1.1	Allocation of corporate revenue budgets	CFO (in consultation with the Chief Exec and Leader if £100,000 or more)	Cabinet	Cabinet
1.2	Allocation of general revenue Policy Contingency			
1.3	Virement or reallocation of revenue budgets between Directorates			
1.4	Virement or reallocation of revenue budgets held by Directorates.	Relevant Director	Either relevant Cabinet Member or Regulatory Committee	Cabinet
1.5	Approval to bid for external revenue resources (including any associated Accountable Body Roles) to be included in an Outline Business Case Report.	Relevant Director with CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Cabinet
1.6	Approval to incur expenditure funded by accepting external revenue resources (including any associated Accountable Body roles) including where 1.5 is not applicable (e.g. where no bid submission was required). <u>(Specific Government Grants and similar funding are excluded from this and are covered by 1.8)</u>			
1.7	Technical revenue budget reallocations or adjustments (e.g. resulting from reorganisation) (note 3)	Chief Finance Officer	Chief Finance Officer	Chief Finance Officer
1.8	Allocations of Revenue Grant and Ring-Fenced related reserves – <u>resulting expenditure is approved if it is in accordance with the grant conditions or ring-fenced related reserve purpose</u>			
1.9	Allocation of specific revenue Policy Contingency in line with the approved Financial Plan and Budget – <u>resulting expenditure is approved if it is in accordance with the specific policy contingency purpose</u>			

CFO – Chief Finance Officer

		Within Director Delegations ( <a href="#">note 1</a> )	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 – up to £500,000	£500,000 (revenue)
1.10	Allocation of specific revenue Policy Contingency not in line with approved Financial Plan and Budget – <a href="#">resulting expenditure is approved if it is in accordance with the specific policy contingency purpose</a>	Cabinet	Cabinet	Cabinet
1.11	Allocation of General Reserves and Balances, and Earmarked Reserves			
1.12	Creation of Reserves			

CFO – Chief Finance Officer

		Within Director Delegations ( <a href="#">note 1</a> )	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 up to £1m	from £1m
<b>2.</b>	<b>Capital Budget and Resources Approvals</b>			
2.1	Approval to changes to the capital budget, subject to limitations and policies in the Council's Financial Plan. This includes increases funded from capital receipts; revenue budgets; the capital fund; specific resources ( <a href="#">note 5</a> ); or prudential borrowing - provided the borrowing costs can be funded from additional income, redirection of ongoing revenue budgets, or treasury management budgets for borrowing costs	Chief Finance Officer	Cabinet	Cabinet
2.2	Allocation of Capital Policy Contingency			
2.3	Virement or reallocation of capital budgets from one project or programme to another (including use of underspends) ( <a href="#">note 6</a> )	Chief Finance Officer	Cabinet	Cabinet
2.4	Allocation of a budget to fund overspends			
2.5	Resource allocations in kind, e.g. asset swaps, appropriations between HRA and General Fund, and discounted asset sales			

CFO – Chief Finance Officer		Within Director Delegations ( <a href="#">note 1</a> )	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 up to £1m	from £1m
2.6	Allocation of approved general programme capital budgets to individual projects within the existing policy framework	Relevant Director	Either relevant Cabinet Member with relevant Director, or Regulatory Committee, CFO	Either relevant Cabinet Member with relevant Director, or Regulatory Committee
2.7	Approval to bid for external capital resources (including any associated Accountable Body roles) – this should be sought as part of an Outline Business Case Report.	Relevant Director jointly with the CFO	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee	Cabinet
2.8	Approval to incur expenditure funded by accepting external capital resources (including any associated Accountable Body roles) where 2.7 is not applicable (e.g. where no bid submission was required).			
2.9	Technical capital budget reallocations or adjustments (e.g. resulting from reorganisation) ( <a href="#">note 3</a> )	Chief Finance Officer	Chief Finance Officer	Chief Finance Officer

CFO – Chief Finance Officer		Within Director Delegations ( <a href="#">note 1</a> )	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 – below £500,000 (Revenue)/up to £1m (Capital)	£500,000 (revenue) / from £1m+ (capital)
<b>3. “Gateway” Business Case Approvals</b>				
3.1	Outline Business Case and Full Business Case reports based on estimated whole project cost ( <a href="#">note 2</a> ). (Discretion to Chief Finance Officer to vary Business Case requirements according to circumstances).	Relevant Director (reporting formats to be determined locally)	Either relevant Cabinet Member or Regulatory Committee;	Cabinet
3.2	Post Implementation Review reports where required.			

3.3	Contract Strategy and Contract Award	Approvals are set out in the <a href="#">Procurement Governance Arrangements</a> in the Constitution
3.4	Capital Project and Programme overspends compared to the originally approved Full Business Case value.	Amount of overspend to be approved in a revised Full Business Case by the relevant decision maker in line with resource thresholds in 3.1 above. Any additional budget must be approved under 2.4 above ( <a href="#">note 12</a> ).

**4.1 Loans, other investments, guarantees, and underwritings made to Other Organisations (Note 14)**

4.1	Budget allocation approval in accordance with Section 2 above.	Chief Finance Officer	Cabinet	Cabinet
4.2	Business Case approval in accordance with Section 3 above. This must include Treasury Management assessment in accordance with the Financial Management Tool and must comply with the Council's investment limit where applicable.	Relevant Director and CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Cabinet

**5. Property Transactions**

Specific delegations relating to property transactions are contained in Birmingham City Council Constitution, Part E Scheme of Delegations, section E3 Delegations to Chief Officers, 3.2 General Delegations, *Chief Executive and the Director, Inclusive Growth*

**Financial Approval Framework – Supporting Notes****Thresholds**

- 1) The Director delegation level is below £200,000. In relation to Emergency Health and Safety works there is an exception to the usual Gateway reporting requirements. Schools have a delegated authority to incur spend up to £500,000 whilst all other directorates can incur less than £200,000 under chief officer delegations (see Part E Scheme of Delegations). Any spend above these levels need to be approved by the relevant decision maker as soon as practicably possible.
- 2) “Whole Project Cost” means the entire gross capital cost of the investment to the City Council, however funded (including for example expenditure funded by capital grants).

**Technical budget adjustments**

- 3) These may be needed for various reasons including (but not limited to):
  - Restructuring that takes place after the budget has been set and that sees the service being provided with the same budget via a different reporting hierarchy (i.e. the overall budget for the specific service being provided remains in line with that approved by the Council). Virements should only be used when it is not possible to reappoint an entire fund centre within hierarchies.
  - Changing Directorates’ uncontrollable costs such as Central Support Costs (CSC) and asset charges.
  - Savings that have been approved in the budget but have been held corporately and require reallocating.
  - Changes to Direct Schools Grant (DSG) and changes as a result of schools academisation.
  - Adjustments to Traded Services as a result of changes in year to the volume of services provided to schools and / or changes to pricing structures (e.g. Cityserve).
  - Any budget virement required as a result of technical accounting issues.

**Corporate and Specific Capital Resources**

- 4) Corporate capital resources are those which the Council can use for any purpose or with wide discretion as to their use, including all capital receipts, earmarked capital receipts, ‘service’ and ‘corporate’ prudential borrowing, un-ringfenced capital grants, and other general resources as determined by the Chief Finance Officer; it excludes Specific capital resources. Corporate resources are predominantly allocated in the annual capital budget process. Although Cabinet may approve further allocations at other points during the year, this will not generally be done.
- 5) Specific capital resources are all other resources which have a restricted purpose and include external grants and contributions as well as revenue contributions from a Directorate’s own budget. Specific resources may be added to the capital budget by Cabinet during the year when there is reasonable certainty that the resources are available.

**Capital budget virements within a project**

6) Capital virements within a project (e.g. from one Work Breakdown Structure element to another) can be approved by the Project's Board through a documented change control request (an example is in the Major Projects Financial Management Standard in the Financial Management Tool).

**Gateway Reports**

- 7) The required templates for OBC and FBC reports are included in Financial Management Tool. OBCs and FBCs are an appendix to the normal Executive decision report.
- 8) The report formats for Director approval are determined locally. They must support good decision making and provide adequate justification for the proposal being put forward. It is recommended that the Executive report format is used to ensure all relevant issues are addressed. Decisions made by relevant Cabinet Members and relevant Directors/Regulatory Committees must be made using the Executive Decision Report template and recorded on CMIS.

**Scope of Capital Gateway approvals**

- 9) 'Capital Gateway' means any capital expenditure, including projects, ongoing programmes, and capital grants to third parties. A programme of capital works (such as an annual programme of repairs or minor works) can be treated as a single project with a business case report to approve the programme before it starts. The approach to these reports should be agreed with the relevant Business Partner, which may include the consideration of wider delegations to officers as appropriate.
- 10) Gateway approvals will also apply to Revenue Projects where the Chief Financial Officer so decides.
- 11) Capital projects where the City Council is the 'accountable body', but the expenditure decision is assessed and approved under the associated governance process of the delegated body, will not require further 'Gateway' Options Appraisal or FBC approvals, as long as the assessment/appraisal process has been reviewed by the Corporate Director of Finance and Governance and is of a comparable or higher standard than the BCC gateway appraisal process.
- 12) Additional capital budgets (however funded) which are required to fund overspends, must be approved in accordance with section 2.4 above.

**Outline Business Cases**

13) Outline Business Cases will require a recommendation to release development funding. Approval to external funding will also need to be included in these reports in order to comply with 2.9 and 2.10.

**Loans, other investments, guarantees and underwritings**

14) These transactions are not always treated as capital expenditure but are all subject to the approvals in sections 1 and 2 above. This includes investments in Wholly Owned Entities. The decision thresholds apply to the value of the loan, investment, guarantee or underwriting.

Loans and other investments are a technically specialist activity and are subject to CIPFA and MHCLG statutory guidance and Council limits. The Treasury team must be involved in the clearance of all decision reports proposing loans/investments.



## D2. RULES RELATING TO CONTRACTS

### 2.1 Introduction

- i. These Rules shall be regarded as Standing Orders of the Council for the purposes of Local Government Act 1972.
- ii. These amended Standing Orders apply to all new procurement processes which are commenced after **03 November 2020**.

### 2.2 Application and Interpretation

- i. In these rules:

**“Authorised Officer”** means the officer to whom the function has been delegated in accordance with delegations or sub-delegations set out in the Constitution or appendices.

**“Authorised Recipient”** means the officer responsible for the receipt of tenders and quotations.

**“Best Value”** means the Council's duty under Section 3 Local Government Act 1999.

**“Building Regulation Authority”** means a local authority as defined by Section 126(1) Building Act 1984.

**“Candidate”** means a contractor that has sought an invitation or has been invited to take part in a restricted procedure, a competitive procedure with negotiation, a negotiated procedure without prior publication, a competitive dialogue or an innovation partnership.

**“Closing Date”** means the time and date specified in the invitation to tender, quote or negotiate (or any later date that is notified to all persons invited to tender, submit a quote or negotiate where such notification is provided at least 24 hours before the previous Closing Date).

**“Competitive Dialogue”** and **“Competitive Procedure with Negotiation”** mean negotiations carried out in accordance with Public Procurement legislation.

**“Contract”** means a contract for supplies, services, or for the execution of any works and also includes a Framework Agreement and Dynamic Purchasing System. It excludes contracts for the acquisition or disposal of an interest in land, and the grant of a licence.

**“Contractor”** means any person seeking to enter into a contract with the Council.

**“Decision Maker”** means the Council, Cabinet, Cabinet Member, Committee or Sub-Committee or Authorised Officer to whom a function has been delegated in accordance with the Council's Constitution (Part E or the Directorate Sub-Delegations).

**“Estimated Total Cost”** means the aggregate total cost of the supplies or services to be provided or works to be performed under a contract, including any form of option, estimated prior to its procurement.

**“Public Procurement Legislation”** means the Public Contract Regulations 2015 as amended or Concession Contract Regulations 2016 as appropriate or any other successor legislation.

**“Procurement Threshold”** means the published financial threshold applying to in scope supplies, services and works contracts and concession contracts as identified in the Public Procurement Legislation.

**“Framework Agreement”** means a contract concluded in accordance with the Public Procurement Legislation by the Council or by another contracting authority, which establishes the terms under which a contractor will enter into contracts with a contracting authority covered by the scope of the agreement in the period during which the framework agreement applies.

**“Innovation Partnership”** means a procedure carried out in accordance with regulation 31 of the Public Contract Regulations 2015 or any successor legislation, in which the aim is the development of an innovative product, service or works, not already available on the market.

**“LEP Authority”** means the following local authorities:

Solihull MBC, East Staffordshire Borough Council, Lichfield Borough Council, Tamworth Borough Council, Bromsgrove District Council and Cannock Chase District Council and any other local authority (or authorities) that may join the Greater Birmingham & Solihull Local Enterprise Partnership.

**“Negotiated Contracts”** means the process undertaken by Officers in order to award contracts as set out in Section 2.5.

**“Open Procedure”** means a procedure leading to the award of a contract where any interested contractor may submit a tender in response to a contract notice.

**“Restricted Procedure”** means a procedure leading to the award of a contract where any interested contractor may submit an expression of interest in response to a contract notice, but only candidates selected by the Council will be invited to submit tenders.

**“Soft market testing”** is an exercise designed to gain an understanding of the market’s capabilities of meeting a set of requirements and/or obtain feedback on requirements being developed. It is not part of the formal procurement process and the market must be clearly advised of this. Consequently, the exercise does not result in the award of a contract or the implication of any intention to award.

The desired outcome of soft market testing should be to enable officers to develop or refine their requirements and inform any procurement strategy; this includes Single and Multiple Contractor Negotiations.

**“Unforeseen Priority”** means a situation where there is an overwhelming and immovable requirement to complete an item of work, such requirement could not have been foreseen within sufficient time to have allowed a competitive procurement, and the adverse consequences of delaying the completion of such work significantly outweigh the consequences of not securing effective competition. This is provided that the overwhelming and immovable requirement is not attributable to the Council.

### 2.3 Compliance

- i. Every contract made by the Council shall comply with these Rules and be carried out in a fair, open and transparent manner that treats all contractors equally and without

discrimination, provided that this does not include contracts for the appointment of barristers, or legal firm where in the opinion of the City Solicitor urgent advice is needed to protect the interests of the Council.

- ii. Use of any legal firm or barrister must be approved by the City Solicitor.

Deleted: Instruction

#### **Subdivision of Contracts**

- iii. No contract shall be subdivided into smaller contracts so as to avoid compliance with Standing Orders.

#### **Value Added Tax (VAT)**

- iv. All figures in Standing Orders are net of VAT.

#### **Exemption**

- v. Exemption from any Standing Order may be authorised by the Decision Maker PROVIDED THAT the Decision Maker is satisfied that the exemption is justified by special circumstances and the Decision Maker records in writing the ground(s) for being so satisfied as part of that decision.
- vi. It is recognised that services with a national remit, such as the Council hosted England Illegal Money Lending Team (EIMLT), will procure goods and services from outside of the West Midlands area. They may be expected to use and purchase services across the UK using one-time vendors and other local authority and government frameworks as part of their operating model. Where it is practical the EIMLT will comply with the arrangements set within these financial regulations and undertakes to ensure "value for money" is a primary objective when procuring goods and services.

## **2.4 Quotations**

#### **Low Cost Quotations**

- vii. Where the estimated total cost of a contract is at or below £10,000 no contract shall be entered into unless three written quotations have been secured from contractors listed on the findit**in**birmingham.com database who the Authorised Recipient considers are suitable.<sup>1</sup> If the Authorised Recipient is unable to secure the submission of 3 written quotations then the Authorised Recipient shall record the reasons and proceed with a single quotation, subject to the Decision Maker's agreement being obtained pursuant to vi.

#### **High Cost Quotations**

- viii. Where the estimated total cost of a contract exceeds £10,000 but is below the Procurement Threshold no contract shall be entered into unless either:

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<sup>1</sup> The Assistant Director Regulation and Enforcement has delegated powers to exempt the Illegal money lending team from this provision if it is prudent to do so for operational, geographical and policy reasons. Value for money will also be a consideration in line with the ringfenced grant agreement

- The contract has been advertised on [finditinbirmingham.com](http://finditinbirmingham.com)<sup>2</sup> and a minimum of ten working days allowed for the submission of quotations and at least three quotations have been submitted. (Due regard should be given to the complexity of the proposed contract and the time required for drafting a tender response when setting the time limit for bidding. Reducing the response time to less than ten working days requires the prior approval of the Assistant Director Development and Commercial. If at the end of the advertising period less than 3 quotations have been submitted then the Authorised Recipient shall record the reasons and proceed with a single quotation, subject to the Decision Maker's agreement being obtained pursuant to vi.; or
- Where there is a suitable Framework Agreement, then quotations should be sought by either a mini-competition or direct award in accordance with the call-off rules established for that Framework Agreement.
- Where the estimated total cost of a contract exceeds £25,000 the contract has also to be advertised on [www.gov.uk/contracts-finder](http://www.gov.uk/contracts-finder).
- All Quotations exceeding £10,000 need to be posted on the Council's electronic tendering system (InTend or its successor).

#### **Building Regulation Authorities and Local Enterprise Partnership (LEP) Authorities**

- ix. Where the proposed contract is for building consultancy work with a Building Regulation Authority or for services to be undertaken by a LEP Authority and the estimated total cost of the contract does not exceed the Procurement Threshold the Council shall be entitled to enter into the contract with the Building Regulation Authority or the LEP Authority as appropriate without first seeking quotations or advertising the contract on [finditinbirmingham.com](http://finditinbirmingham.com).

#### **Tenders**

- x. No contract whose estimated total cost exceeds the EU Procurement Threshold shall be entered into unless tenders have been invited in accordance with Public Procurement Legislation.

#### **Pre-Estimate of Tender Sum**

- xi. No tender shall be invited for a contract unless:
- an authorised officer has prepared an estimate in writing of the probable expense of the supplies or services or of executing the works; and
  - in the case of a tender for the execution of any works, an authorised officer has prepared an estimate of the annual running costs after completion.
  - The estimate is still considered to be current and up-to-date at the time the tender is invited.

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<sup>2</sup> As above

**Publication of Notices**

- xii. Contracts shall be advertised and awarded in accordance with Public Procurement Legislation through the Council's e-tendering provider. Contract notices shall also be published on [www.finditinbirmingham.com](http://www.finditinbirmingham.com) and [www.gov.uk/contractsfinder](http://www.gov.uk/contractsfinder).<sup>3</sup>

**2.5 Negotiated Contracts****Single Contractor Negotiations (SCN)**

- i. Entering into an SCN to award a contract without competition is not to be used as a means to extend contracts that have failed to be re-procured in sufficient time.
- ii. A contract may be negotiated with and awarded to a single contractor where the City Solicitor (or Assistant Director, Legal), Chief Finance Officer (or the Assistant Director Finance) and the Assistant Director, Development and Commercial (for procurement) has certified approval in writing prior to the commencement of such negotiations.
- iii. The City Solicitor and Chief Finance Officer will only give written approval if:
  - Legal advice is provided to ensure that the method of procurement is in accordance with Public Procurement Legislation;
  - Evidence is provided which demonstrates that as a result of a market investigation there is only one contractor that can meet the Council's requirements for that contract; or
  - Evidence is provided that there is an unforeseen priority that justifies the use of SCN
- iv. Where such authorisation has been issued, the Quotations and Tenders sections above (except for Pre-estimate of Tender Sum) and Submission of Quotations and Tenders section below shall not apply to that contract.
- v. For SCNs above the EU Procurement threshold, two separate reports are required – one for the approval to commence negotiations and then one for the award of contract following the outcome of those negotiations
- vi. For SCNs below the EU threshold a single report is required for the approval to commence negotiations. Following the conclusion of negotiations, a further signature of the Chief Finance Officer (or their delegate) is required for that report to confirm the contract value and allow the award of contract.

**Multiple Contractor Negotiations (MCN)**

- vii. Entering into an MCN to award a contract without competition is not to be used as a means to extend contracts that have failed to be re-procured in sufficient time
- viii. A single contract may be negotiated and awarded through a competitive process with more than one prospective contractors where the City Solicitor (or Assistant Director, Legal), the Chief Finance Officer (or the Assistant Director Finance and Governance) and

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<sup>3</sup> See footnote 1 above

the Assistant Director, Development and Commercial (for procurement) has certified approval in writing prior to the commencement of such negotiations.

- ix. The City Solicitor, Chief Finance Officer and the Assistant Director, Development and Commercial will only give written approval if:
  - a. The chosen procurement route satisfies Best Value;
  - b. Legal advice is provided to ensure that the method of procurement is in accordance with Public Procurement Legislation; and
  - c. Contractors would be unlikely to submit an unqualified tender or quotation.
- x. Where such authorisation has been issued, the Quotations and Tenders sections above (except for Pre-estimate of Tender Sum) and the Submission of Quotations and Tenders section below shall not apply to that contract.
- xi. For MCNs below the EU threshold a single report is required for the approval to commence negotiations. Following the conclusion of negotiations a further signature of the Chief Finance Officer (or delegate) is required for that report to confirm the contract value and allow the award of contract.

**Competitive Dialogue, Competitive Procedure with Negotiation or Innovation Partnership**

- xii. A contract may be the subject of Competitive Dialogue, Competitive Procedure with Negotiation or Innovation Partnership where Cabinet or the City Solicitor and the Chief Finance Officer, or the Assistant Director Development and Commercial has agreed the Procurement Strategy report prior to the publication of a contract notice, that use of an alternative procurement procedure will not satisfactorily allow the award of contract.
- xiii. Where such authorisation has been issued, the Quotations and Tenders sections above (except for Pre-estimate of Tender Sum) and Submission of Quotations and Tenders section below shall not apply to that contract.

## 2.6 Framework Agreements

### Single Contractor Framework Agreement

- i. Where a single contractor has entered into a contract with the Council based on a Framework Agreement established by the Council or by a Contracting Authority that has included the Council within the scope of their Agreement, the issue of individual orders for work within the scope of that contract shall not require further action under Standing Orders.

### Multiple Contractor Framework Agreements

- ii. When more than one contractor has entered into a Framework Agreement with the Council then the issue of orders shall be in accordance with any allocation rules agreed with the Decision Maker on the award of the contract. Where the rules require opening up competition between the Framework Contractors, then a report shall be issued to the Decision Maker under the Evaluation and Award section below setting out the reason for

the award to the particular contractor and how the price payable by the Council has been reached.

- iii. Contracts to be concluded by a call off from a Framework Agreement established by another Contracting Authority shall be carried out in accordance with the rules for the operation of that Framework Agreement; ensuring that the scope covers the Council as a Contracting Authority to which the framework is open.

#### **Dynamic Purchasing Systems**

- iv. Dynamic purchasing systems shall be operated as a completely electronic process, and shall be open throughout the period of validity of the purchasing system to any economic operator that satisfies the selection criteria. The procurement of a dynamic purchasing system must be in accordance with the Public Procurement Legislation.

## **2.7 Submission of Quotations and Tenders**

#### **Method of Submission**

- i. All invitations to tender or quote shall state that no tender or quotation shall be considered unless it is submitted in accordance with the requirements described in the instructions for tendering or submitting quotations.

#### **Closing Date**

- ii. No tender or quotation received after the closing date shall be accepted or considered.

#### **Record**

- iii. Those undertaking the Opening Ceremony of tenders or quotations on the Council's e-tendering system shall be responsible for ensuring that there is an accurate record of the receipt of tenders and quotations.

## **2.8 Evaluation and Award**

#### **Evaluation principles**

- i. All invitations to tender or to submit a quotation shall specify the selection and award criteria. The evaluation of tenders or quotations must be in accordance with Procurement's Evaluating Tenders Procedure Guidance.

#### **Award Report**

- ii. A written report on the evaluation of tenders shall be issued to the decision maker, following any procurement in accordance with the Tenders, Negotiated Contracts or Framework Agreements sections above including the opening up of competition when calling off from a framework agreement and when establishing a dynamic purchasing system.
- iii. Award reports shall include at least the following:
  - e) A brief summary setting out the subject matter of the report and the desired outcomes;

f) results of the qualitative selection and the reasons for selection or rejection of contractors;

g) and additionally (where appropriate):

- The reasons for selection or rejection of Candidates;
- The reasons for the rejection of tenders found to be abnormally low;
- Any delegations sought to take up options to extend the contract subject to satisfactory performance and budget availability;
- The pre-estimate of expenditure or the total value of orders; and
- The rules for the allocation of orders.

#### **Contract Award**

- iv. Following the authorisation of the award report, all tenderers shall be notified in writing of the outcome, subject to the requirements of the Public Procurement Legislation regarding standstill periods. Feedback letters and publication of the award notice(s) shall be complied with.

## **2.9 Content of Contracts**

- i. Every contract shall be in writing and shall contain clauses which are currently approved by the City Solicitor which address:
- h) The prevention of corruption;
  - i) Equal opportunities;
  - j) The Council's procurement policy framework for jobs and skills where applicable;
  - k) The Council's Birmingham Business Charter for Social Responsibility where applicable;
  - l) Where the contract exceeds the Procurement Threshold; the contract shall contain clauses reflecting obligations under Public Procurement Legislation;
  - m) General Data Protection Regulation (GDPR) compliance;
  - n) Serious Organised Crime.

## **2.10 Execution of Contracts**

#### **Sealing**

- i. Every works contract which exceeds £250,000 in value, every contract for supplies or services which exceeds £1,000,000 in value and all Framework Agreements irrespective of their value shall be sealed with the Common Seal of the Council (see Part A of the Constitution) and shall be executed by the contractor as a Deed.

#### **Signing**

- ii. Every contract shall be signed on behalf of the Council either by a senior lawyer who is duly appointed as an Authorised Signatory by the Council or an authorised officer.



**Members**

- iii. No Member of the Council shall enter either orally or in writing into any contract on the Council's behalf.

## D3. PROCUREMENT GOVERNANCE ARRANGEMENTS

### 3.1 Scope

- i. This sets out the governance arrangements for approval and award of contracts and for the exercise of the chief officer delegations<sup>4</sup> where the supplies, materials, services to be purchased or the works to be executed are between the Procurement Threshold and £10,000,000 in value. Chief Officers/Directors will put in place a scheme of sub-delegations to other officers and these will be published on the Council's webpage.
- ii. These figures refer to the Council's expenditure only, notwithstanding that the Council may permit its Framework Agreements to be used by other contracting authorities.
- iii. Where the estimated value of a contract is £10,000,000 or above, Cabinet is required to approve the strategy report and the contract award. Where the estimated value of a contract is under £10,000,000, the contract award decision shall normally be delegated to Chief Officers/Directors in accordance with the Procurement Governance Arrangements; provided that the [tolerances](#) below are not exceeded, in which case such contract award decision will be made by the Cabinet Member, Finances and Resources on a report of the relevant Chief Officer.
- iv. Where it is likely that the award of the contract will result in staff employed by the Council transferring to the successful contractor under TUPE, in which case the decision must be made by Cabinet.

### 3.2 Sounding out Cabinet – Planned Procurement Activities Report (PPAR)

- i. The Assistant Director of Development and Commercial shall present a monthly report to Cabinet plus a copy to the Resources Overview and Scrutiny Committee of all relevant planned procurement activity ("Planned Procurement Activities Report") over the following quarter.
- ii. The report is in header form listing the goods or services with estimated timescale, together with a briefing note. Estimated contract values may in most cases be exempt from public disclosure subject to the public interest test in accordance with Schedule 12A of the Local Government Act 1972.<sup>5</sup> This report is:
  - o) To inform Cabinet and the Resources Overview & Scrutiny Committee of planned procurement activities over the following quarter.
  - p) To act as a sounding for Members for the planned activities where decisions are delegated to Chief Officers/Directors;
  - q) For Cabinet to identify any sensitivities or requirements that necessitate a procurement report to be presented to Cabinet for an executive decision prior to starting the procurement rather than delegating the decision to Chief Officers/Directors.

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<sup>4</sup> Chief Officers are defined in the Constitution Part B1.7 vi

<sup>5</sup> Further guidance on exempt information can be found in Part C2 Access to Information

- iii. Any planned procurements can, at the discretion of Cabinet, be brought back to Cabinet for an Executive decision.

### 3.3 Strategy Report

- i. Prior to commencing a procurement process and the issue of tender documents, a brief outline of the proposed activity ("Strategy Report") will be prepared by the Directorate Chief Officer, or if the contract is designed to service two or more Directorates, the relevant Head of Category from within Corporate Procurement ("**the Contract Owner**") seeking approval from:
- Finance - to validate that the anticipated benefits can be realised and to confirm the budget is available;
  - Legal Services - to confirm the proposal including the method of procurement is within the Council's powers.; and
  - Corporate Procurement Services - to confirm that the strategy demonstrates the best form of procurement, is likely to secure effective competition and deliver best value and approve the market engagement strategy.
  - The Contract Owner shall gain approval to the content of the Strategy Report from City Solicitor, Chief Finance Officer and Assistant Director of Development and Commercial Finance (or their delegates) by email. It is required that the same, final version of the Strategy Report having been seen and authorised by all parties.

### 3.4 Tolerances for operation

- i. If a project within the Planned Procurement Activities Report is not approved for the goods or services required, then an Executive decision will need to be made by Cabinet (or the relevant Cabinet Member on a report of the relevant Chief Officer if it is within the appropriate financial limits).
- ii. Decisions must also go to Cabinet where:
- the estimated total value of the contract exceeds the figure stated in the Planned Procurement Activities Report by 20% or £500,000 (whichever is the lower), or exceeds £10,000,000;
  - the proposed length of the contract exceeds by more than 12 months the term stated in the Planned Procurement Activities Report;
  - there is a material change to the scope of the contract as set out in the Planned Procurement Activities Report;
  - there is a material change to the procurement approach (e.g. use of framework or as set out in the Planned Procurement Activities Report).
- iii. Otherwise the Executive decision on contract award will be delegated to the relevant Chief Officer.

### 3.5 Contract Award Report

- i. At the end of the tender and to enable a contract award to be made and an award notice to be published, an award report shall be produced in accordance with the Public

Procurement Legislation for consideration by the relevant Decision Maker in order to authorise approval ("Contract Award Report").

- ii. The Contract Award Report should make clear where authorisation is being sought to delegate to the appropriate Chief Officer the taking up of the option to extend, in whole or in part, by written notice to the contractor(s), subject to satisfactory performance and funding availability. See Award Reports [section D2.8 iii](#) above for the minimum content of Award Reports.
- iii. The Contract Award Report shall be approved by the City Solicitor, the Chief Finance Officer and the Assistant Director Development and Commercial Finance (or their delegates); the same final version of the Contract Award Report having been seen and authorised by all parties.

### 3.6 Combined Strategy and Contract Award report

- i. Where the proposed procurement route is the use of (or "call off" from) another Contracting Authority's Framework Agreement, a combined strategy and award report may be presented to the relevant Decision Maker provided that, in addition to the applicable requirements of the Framework and Award sections above, the report contains an options appraisal stating:
  - The justification for use of the framework agreement;
  - How the Council's policies (including the Social Value and Living Wage Policies) will be addressed; and
  - The reason for the award to the particular contractor and how the price payable by the Council has been reached.
  - See Award Reports section D2.8 iii above for the minimum content of Award Reports.

### 3.7 Contract Extension Report

- i. A Contract Extension Report may authorise an extension to a contract where a contract has expired and a replacement contract has not been procured in time, where this delay is not attributable to the actions of the Council, and there is no option outstanding to extend the contract provided that:
  - The City Solicitor, the Chief Finance Officer and the Assistant Director Development and Commercial Finance (or their delegates) are satisfied that there is no viable alternative solution, having regard to the Public Procurement Legislation;
  - The value of the extension does not exceed £500,000;
  - Where the contract exceeds the Procurement Threshold, due regard is to be given to the circumstances in which a modification of a contract or a framework agreement is permitted under the Public Procurement Legislation.
  - The contract conditions are similar to those of the contract which has expired; and
  - There is no change to the specification to that contained in the contract which has expired.
- ii. Such Contract Extension Report shall set out the business case and appraisal of options, the outcome of any negotiations with the contractor and the reasons why it was not

practicable to complete a procurement process and award a contract prior to the expiry of the current contract. It will be classed as non-compliant spend.

### **3.8 Framework Agreements**

- i. Where the award of a framework agreement has been approved by a Cabinet Member or by a Chief Officer in accordance with the Procurement Governance Arrangements then Chief Officers may issue further orders under the framework agreement provided that they comply with the scope of the agreement and Framework Limits.

### **3.9 Record of decisions**

- i. The Assistant Director Development and Commercial shall:
  - Maintain a record of all decisions made by Chief Officers/Directors; and
  - Report on a quarterly basis to Cabinet on all decisions taken by Chief Officers/Directors during the previous quarter;to which these Procurement Governance Arrangements apply. The report will be in header form listing the contract values, timescales and goods, services or works.

### **3.10 Compliance**

- i. This process shall be consistently applied across the Council and directorates should not need to add any additional processes. The relevant Chief Officer is responsible for ensuring these Procurement Governance Arrangements are followed and all approvals required are in place before any contract is awarded.





# Birmingham City Council Constitution

## Part E – Scheme of Delegations

May 2021

(draft March 2021)

Deleted: September

Deleted: 2019

Deleted: Additional Amendments made November 2020



MAKING A POSITIVE DIFFERENCE EVERYDAY TO PEOPLE'S LIVES

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## **E1. SUMMARY AND EXPLANATION**

1. Each Chief Officer/Director has a number of delegations which are set out below. The following sections set out the delegations to officers:
  - Officer delegated decision making – setting out general notes on the parameters of the delegations and the process for taking officer delegated decisions;
  - Financial delegations to Chief Officers – setting out the financial and governance delegations to all Chief Officers (the Chief Executive, Assistant Chief Executive, Chief Finance Officer and Directors);
  - Functional Delegations to each of the Chief Officers.
2. Each of these may be supplemented by a Scheme of Sub-Delegations.

## **E2. OFFICER DELEGATED DECISION MAKING**

### **2.1 General Notes**

1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
2. The exercise of a delegated power, duty or function shall:
  - (i) be subject to the City Council's Policy Framework and/or Budget;
  - (ii) be subject to the requirements of the Constitution including the Council Procedure (B4), Executive Procedures (B6) Financial Procedure Rules (Part D), Contract Procedure Rules (Part D) Corporate Standards (C1) and any delegations contained therein.
3. An officer to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the requirements that follow:
  - (i) such authorisations shall be in writing and shall only be given to an officer over which the officer with the original delegated power etc. has control;
  - (ii) such authorisations should only be given where there is significant administrative convenience in doing so;
  - (iii) the officer authorised by the other should act in the name of the officer who received the original delegation;
  - (iv) no authorisation may be given if the statute or the law prohibits it.

Authorisations of this kind should not be considered to be the norm but used only in appropriate circumstances and after careful thought. There can be no additional such delegation.

Any mis-categorisation of a delegation as being Executive, non-Executive or anything else shall not invalidate the delegation.

4. References to any Act, Regulation, Order or Byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
5. Any reference to any Act of Parliament includes reference to Regulations or subordinate legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
6. Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any particular circumstances, to remove the need for consultation for each proposal.
7. Subject to any express instructions to the contrary from the delegating body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
8. Delegations to officers are subject to:
  - (i) The right of the delegating body to decide any matter in a particular case;
  - (ii) The officer may, in lieu of exercising his/her delegated power, refer to the delegating body for a decision; and
  - (iii) Any restrictions, conditions or directions of the delegating body.
9. In exercising delegated powers, the officer shall:
  - (i) Take account of the requirements of this Constitution and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
  - (ii) Shall exercise the delegation so as to promote the efficient, effective and economic running of that Directorate and the Council, and in furtherance of the Council's visions and values; and
  - (iii) Where and when appropriate, report back to the appropriate delegating body as to the exercise of those delegated powers.
10. Except where otherwise expressly provided either within the Scheme of Delegation or by resolution of the delegating body, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
11. Save in respect of any statutory roles that are not capable of delegation, any power conferred on a subordinate officer shall be exercisable by the Director.
12. The Scheme of Delegations is maintained by the City Solicitor, and delegations are added to it as they are made by delegating bodies. Officers should take care to inform themselves of any subsequent changes to the Scheme before solely relying on this document.
13. The City Solicitor shall have the power to amend the Scheme of Delegations to reflect re-organisations, changes in job titles and vacancies, where said changes result in re-distributing existing delegations and not the creation of new ones.
14. Any post specifically referred to in the Scheme of Delegations shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any

particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded. Any power contained within this Scheme in anticipation of any reorganisation may be exercised in accordance with the preceding Scheme to the date of that reorganisation.

15. Any reference to a Committee, Panel or Sub-Committee shall be deemed to include reference to a successor Committee or Sub-Committee provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee or Sub-Committee.
16. Where a power or duty is delegated to an officer, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.
17. All enquiries about the Scheme of Delegations should be made to the City Solicitor.
18. All matters of interpretation of this document will be determined by the City Solicitor.
19. If a matter is delegated to an officer, but that delegation cannot be implemented, that should be reported to the delegating body.
20. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.
21. Non-executive functions are specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Any function that is not therefore specified must be assumed to be executive.
22. Advice on procedures and matters to be taken into account in exercising officer delegated powers, is set out in the guidance on decision-making issued by the City Solicitor.
23. This Scheme of Delegations was approved as part of the Council's Constitution on 10<sup>th</sup> September 2019. Ad hoc additional revisions will be considered by the Council as appropriate.
24. For the avoidance of doubt, where a power or duty delegated under this scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such fees cost or charges by way of civil debt or otherwise and shall be without prejudice to any other power to charge or recover costs that the Council may have under legislation.
25. Where there is doubt over the responsibility for the exercise of the delegated power, the Chief Executive or his or her nominee is authorised to act.

## **2.2 Process and Recording of Delegated Decisions**

Officers should ensure that delegated powers are exercised in accordance with relevant Council policies and procedures and also put appropriate systems in place for recording the exercise of delegated powers in the following manner and circumstances:

- (i) All decisions with a value of £50,000 or more made by Officers under delegated powers should be recorded in writing and a single copy for each Directorate produced to the Chief Executive and the Leader/Deputy Leader on the 30<sup>th</sup> September and 31<sup>st</sup> March of each year.
- (ii) Additionally, all decisions taken by Cabinet Members (based on a written report by the Chief Officer) should be recorded using the prescribed template. These decisions are only effective and actionable when posted on the Council's website by Committee Services and following the call-in process..

## **E3. DELEGATIONS TO CHIEF OFFICERS<sup>1</sup>**

### **3.1 Summary**

The Council, its Committees and the Executive will make decisions on matters of significant policy. The Chief Executive, Assistant Chief Executive, Chief Finance Officer and Directors are given express authority to take all necessary actions to implement Council, Committee and Executive decisions that commit resources within agreed budgets in the case of financial resources, as set out below.

In relation to all delegated authorities conferred on Chief Officers, the Chief Executive may allocate or reallocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit.

Chief Officers may take all routine and day-to-day operational service decisions within agreed policies provided they are met from within overall approved budgets in relation to the services for which they are responsible, subject to any other requirements imposed by the Constitution.

Chief Officers may take all decisions necessary to give effect to implement the contents of any approved Policy Framework plan, in relation to the services for which they are responsible, and within agreed budgets in the case of financial resources, as necessary and appropriate.

### **3.2 General Delegations**

The Chief Executive and Chief Officers have the following delegated powers in respect of all matters which are not “key decisions” and not reserved for decision by the Council or by a Committee of the Council:

- (i) To make decisions and approve expenditure relating to the functions of their Directorate providing that:
  - The sum expended is within the approved budget for the Directorate and/or relevant portfolio, and
  - The amount in relation to any single matter does not equal or exceed £200,000 or
  - The amount in relation to any single matter that is at or above £200,000 and below £500,000 (revenue) or £1m (capital) is a Cabinet Member(s) decision (based on a written report from the Chief Officer).
  - The requirements of the Financial Approvals Framework in this Constitution and other requirements in the Constitution are complied with.
- (ii) Determine employment matters relating to staff including all changes to staffing structures below JNC level and the annual implementation of the contractual pay increment system. These powers will not include changes to terms and conditions of

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<sup>1</sup> Chief Officers are those officers reporting to the Chief Executive (Chief Finance Officer, Assistant Chief Executive and all Directors).

employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200k).

- (iii) To approve tender strategies and award contracts in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed are between the Procurement Threshold (£181,302 as at September 2019) and £10,000,000 in value, over the contract length.
- (iv) Where no other viable alternative exists to approve contract extensions, where no extension option in the contract exists, in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed do not exceed £500,000.
- (v) To write off any individual debts of income (including any associated court costs and bailiffs' fees) within their service directorate responsibility, and after consultation with the Chief Finance Officer, up to the sum of £25,000 per individual or organisation, which in the opinion of the Director, is considered to be uneconomical to collect or is irrecoverable. *All individual debts above this amount can only be written off by the Chief Finance Officer.*
- (vi) The Chief Executive and Directors have delegated authority to approve and make payments in connection with the duties of the council where it holds monies in the capacity of an "Accountable Body". In all such cases where the Council is the Accountable Body, the Chief Executive or any Chief Officer has authority to make lawful payments in compliance with the terms under which the Council holds monies as the Accountable Body and in accordance with any requirements approved by the Council as Accountable Body, up to but not exceeding the total amount held under each agreement with the grant giver.
- (vii) The Chief Executive has all the above delegated authority in respect of all executive and non-executive expenditure, and as may be necessary, determine which Directorate discharges any particular Council function if this is not clear.

#### **Chief Executive and the Chief Finance Officer**

- (viii) The Chief Executive and the Chief Finance Officer may exercise voting rights at general meetings of companies of which the Council is a member or by written resolution and may take any necessary action to protect, safeguard and effectively manage the Council's interest in such companies.
- (ix) The Chief Executive and the Chief Finance Officer together (and no other Director) without financial limit have the following additional powers to make decisions in relation to:
  - All future forms of indemnity on behalf of the Council including the signing of certificates under the Local Government (Contracts) Act 1997.
  - The Council's loan and investment portfolios in accordance with the statutory borrowing limits determined by the Council and the Council's Treasury Policy Statement and Management Strategy as approved from time to time by the

Council and all such decisions are exempt from the reporting requirements set out here.

- Trust fund and accountable body investments;
- Banking arrangements including opening bank accounts and credit card facilities;
- Non land and building leases;
- The application for financial assistance to the City Council and the authorisation of any grant claims;
- The administration of the Housing Rents, Council Tax and Housing Benefit systems and the collection of Community Charge, Council Tax, Housing Rents and Non-Domestic Rates (including setting Non-Domestic rates and applications for relief or reduction in accordance with the criteria and policy guidance approved from time to time by the Cabinet);
- Matters relating to the transfer of pension rights.

#### **Chief Executive and the Director, Inclusive Growth**

- (x) The Chief Executive and the Director, Inclusive Growth have the following additional powers to make decisions in relation to:
- The acquisition and disposal of leasehold interests for rent (including the granting and surrendering of any rights over such land and property) provided that any rental does not exceed £200,000 p.a.;
  - The acquisition and disposal of freehold and leasehold interests at a premium, provided that the premium does not exceed £1,000,000;
  - The management of all of the Council's land and properties, including the authorising and payment of discretionary contributions towards trade/loss and or removal expenses and all payments due under an approved Compulsory Purchase Order, provided that the cost does not exceed £200,000;
  - Save that land and property held by the Council as Trustee shall be the responsibility of the Trusts and Charities Committee.

#### **Director, Inclusive Growth, Chief Finance Officer and City Solicitor**

- (xi) The Leader and Cabinet Member, Finance and Resources, jointly with the Director, Inclusive Growth, Chief Finance Officer and the City Solicitor (or their delegates as set out in the Scheme of Sub-Delegations) have the following additional powers to make decisions in relation to the approval of acquisitions to, and disposals from, the Investment Property portfolio up to a limit of £25m in any one transaction.



- (xii) These decisions will take the form of Cabinet Member decisions based on written reports from Chief Officers and as such are subject to the provisions in Part B6.5 of the Constitution.

#### **City Solicitor**

- (xiii) The City Solicitor may exercise all proper Officer and any other functions of the Council which do not fall within the Directorate or budget responsibility of a Director and has the powers set out in the Legal Proceedings section of the Constitution.

#### **Director, Education & Skills**

- (xiv) The Director, Education & Skills (and in their absence the Chief Finance Officer) has the authority to authorise and approve the completion of (but not limited to) the grant of long term leases, commercial transfer agreements and any other ancillary documentation relating to the changing status of schools pursuant to the Academies Act 2010 or any associated legislation relating to the changing status of schools, as well as requesting the making and varying of Instruments of Government for maintained schools, subject to the agreement of the City Solicitor.

### **3.3 Emergency Plan/Business Continuity**

- (i) Chief Officers and Statutory Officers (or deputising officers) are empowered to authorise all necessary actions in relation to disasters and emergencies as designated under the Council's Emergency Plan when activated; or under Business Continuity Plans in the event of a business continuity disruption.
- (ii) In the event of the Emergency Plan being activated, and following action taken, the Chief Officer must notify the Chief Finance Officer in writing of the circumstances and estimated financial impact and report formally to the relevant Cabinet Member or, for non-executive matters, to the next available meeting of the relevant committee.
- (iii) The principles of decision-making set out in Part B3.2 will apply.

## **E4. CHIEF EXECUTIVE**

### **4.1 Overall Responsibility**

The Chief Executive shall be the Head of Paid Service and be provided by the authority with such resources as s/he deems necessary to perform that role. The Head of Paid Service shall have overall corporate management and operational responsibility for the way in which the organisation delivers its services.

### **4.2 Emergency Reports**

Part B6.6 of the Constitution states that “In an emergency an executive report may be agreed by the Chief Executive following consultation with the Leaders of the Political Groups.”

The Chief Executive may decide that an emergency arises when:

- (i) A decision **must** be made before the next scheduled meeting of the Cabinet; or
- (ii) A recommendation to the Cabinet should be implemented prior to the next scheduled meeting of the Cabinet by which it could be approved.

In either case, if the Chief Executive is satisfied that it is not expedient, practicable or necessary in the circumstances to convene a special meeting of the Cabinet, then the following shall apply:

The Chief Executive shall have the power (or may designate the Chief Finance Officer, Assistant Chief Executive or a Director who will then have power) to determine the question or matter or to implement the recommendation (as the case may be) in the name of and without further reference to the Executive.

The exercise by the Chief Executive, Chief Finance Officer, Assistant Chief Executive and Director of any powers under this delegation shall be subject to the following conditions:

- (i) that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;
- (ii) that the Chief Executive, Chief Finance Officer, Assistant Chief Executive or designated Director before making a decision shall consult with the Leader (or in his/her absence the Deputy Leader);
- (iii) that the Chief Executive, Chief Finance Officer, Assistant Chief Executive or designated Director before making a decision shall consult with the City Solicitor and the Chief Finance Officer or their nominated deputies;
- (iv) that a record of all decisions made or recommendations implemented, together with the consultations referred to in (ii) and (iii) above shall be published on the Council's website within 10 working days; and
- (v) that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Cabinet (for noting).

The Assistant Chief Executive and each Director (in their service area) and City Solicitor (all areas) may each exercise the powers of the Chief Executive in the event of his/her incapacity, absence or unavailability.

#### **4.3 Immediate Implementation**

If the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader (or Deputy Leader in his/her absence) may designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period.

The exercise of such power shall be clearly noted on the record of the decision.

#### **4.4 Extraordinary Meetings**

The Chief Executive and the City Solicitor acting together may call an extraordinary meeting of the Council (see Part B4.4C). The City Solicitor shall, in calling an Extraordinary Meeting of the Council, restrict the business on the summons to that required by law, any matter or matters that the Chief Executive, Monitoring Officer or Chief Financial Officer wish to raise and the business for which the Extraordinary Meeting has been called.

#### **4.5 Executive Functions**

In the event of the Emergency Plan being activated, the Chief Executive (or deputising officer) is empowered to authorise all necessary actions as the Local Authority Strategic Commander. All authorities relevant to the management of the incident are delegated to duty officers as set out in the plan.

#### **4.6 Non-Executive Functions**

The Chief Executive is authorised to discharge the following non-Executive functions:

- The appointment, termination and disciplinary arrangements of Officers who are not Chief Officers or Deputy Chief Officers (other than assistants to political groups) in line with the Council's normal recruitment, disciplinary and termination policies;
- Community Governance: proposals for a change in governance arrangements or complying with a duty to make a change in governance arrangements, approving the proposals, deciding whether the change should be subject to approval;
- Reorganisation orders implementing recommendations of a community governance review.

#### **4.7 Local Choice Functions**

The Chief Executive is authorised to discharge the following Local Choice Functions which have been assigned to full Council and Cabinet (see Part B2 of the Constitution):

- To appoint any individual to any office other than an office in which he is employed by the authority and to revoke any such appointment:
  - to the extent that appointments are to outside bodies in connection with functions which are the responsibility of the Executive (Cabinet)

- to the extent that appointments are not the responsibility of the Executive (Full Council).
- To make agreements with other local authorities for the placing of staff at the disposal of those other authorities (Cabinet).

## **E5. ASSISTANT CHIEF EXECUTIVE**

### **5.1 Summary**

The Assistant Chief Executive leads the Partnerships, Insight and Prevention Directorate.

### **5.2 Non-Executive Functions**

The Assistant Chief Executive is authorised to discharge the following functions:

1. Joint coordination of the Council Plan (with the Chief Finance Officer).

### **5.3 Executive Functions**

The Assistant Chief Executive is authorised to discharge the following functions:

2. Policy and partnerships, including:
  - (i) Supporting the Council's policy agenda;
  - (ii) Promotion of collaborative working partnerships with stakeholders and partners;
  - (iii) Supporting arrangements in relation to the West Midlands Combined Authority and Core Cities;
  - (iv) Third sector partnership and engagement.
3. Setting, supporting and monitoring the council's policies and procedures for managing:
  - (i) Performance and service improvement;
  - (ii) Projects and programmes.
4. Public Health (see also [Director of Public Health](#) below), including:
  - (i) Ensure the council meets its duties to improve public health
  - (ii) Ensure the delivery of public health protections and health improvement responsibilities
  - (iii) Ensure the council plans and responds to emergencies that present a risk to public health
  - (iv) Ensure the council meets other local government public health responsibilities
5. Setting, supporting and monitoring the council's policy on Community Safety<sup>2</sup> including:

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<sup>2</sup> Neighbourhoods Directorate is responsible for operational matters in relation to community safety.

- (i) Safer communities;
  - (ii) Domestic Violence;
  - (iii) Social Cohesion and inclusion;
6. Prevent and Counter-terrorism;
7. Tackling inequality and equalities within the community.
8. Corporate communications services, including:
- (i) the council's communications strategy and policy;
  - (ii) internal and external communications; and
  - (iii) Press and media relations.
9. The council's city-wide resilience and emergency planning functions.

#### **5.4 Director of Public Health (DPH)**

The Director of Public Health is a statutory appointment as a Chief Officer of the Council appointed jointly with the Secretary of State for Health and Social Care.

The DPH has to be a professionally registered Public Health Consultant.

The DPH is accountable for appropriate use of the ring-fenced public health grant and ensuring the Council delivers the mandated public health services.

The DPH leads the Public Health Division and the Community Cohesion and Equalities Division, which sit within the Partnerships, Insight and Prevention Directorate.

The DPH has specific statutory responsibilities; the DPH's specific responsibilities and duties arise directly from Acts of Parliament – mainly the NHS Act 2006 and the Health and Social Care Act 2012 – and related regulations including:

- Responsibility to protect and improve the health of the local population;
- Responsibility to ensure arrangements for planning for, and responding to, emergencies;
- Ensuring co-operation with police, probation and prison services in relation to violent and sexual offenders;
- Provide public health response as a responsible authority to Licensing applications;
- Responsibility for ensuring provision of Healthy Start vitamins where child health clinics and maternity services are commissioned by the local authority;
- Write an annual Director of Public Health report;
- Be an active member of the Health and Wellbeing Board.

## **E6. CHIEF FINANCE OFFICER**

### **6.1 Summary**

The Chief Finance Officer is the responsible officer for the proper administration of the Council's financial affairs under the Local Government Act 1972, Section 151. The Chief Finance Officer Protocol is set out in Part D of this Constitution.

### **6.2 Section 151 Officer Functions**

The Chief Finance Officer is authorised to take all action as is necessary or expedient to fulfil the statutory obligations under Section 151 Local Government Act 1972.

1. Ensuring effective financial management and controls, including:
  - Reporting on the robustness of the Council's financial plans;
  - Managing the Council's borrowing and investment requirements;
  - Managing and monitoring the Council's revenue budget and capital programme;
  - Preparation and closure of the Council's financial accounts;
  - Managing the Council's tax affairs; and
  - Internal audit.
2. Setting, supporting and monitoring the council's policies and procedures for managing:
  - Budgets;
  - Procurement and purchasing;
  - Commissioning;
  - Contract management;
  - Internal trading operations;
  - Business Charter for Social Responsibility;
  - Risk management.

3. To make standing orders in relation to Finance and contracts.<sup>3</sup>

### **6.3 Non-Executive Functions**

The Chief Finance Officer is authorised to discharge the following Council (non-executive) functions:

4. Joint coordination of the Council Plan (with the Assistant Chief Executive).

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<sup>3</sup> Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972 and Section 135 of the Local Government Act 1972

## E7. CITY SOLICITOR

### 7.1 Executive Functions

The City Solicitor is authorised to take any action intended to give effect to a decision of the Council (including decisions taken by a Council committee in accordance with its terms of reference or by a Director in accordance with this scheme of delegation).

The City Solicitor is authorised to institute, defend or participate in any legal proceedings or settle (up to the value of £500,000), if appropriate, any actual or threatened legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the City Solicitor considers that such action is necessary to safeguard and protect the Council's interests. Decisions above this financial threshold will be made by the Chief Finance Officer and/or the Chief Executive in consultation with the City Solicitor.

### 7.2 Non-Executive Functions: Monitoring Officer

The City Solicitor is the Monitoring Officer for the Council. The Monitoring Officer is a statutory appointment and provides advice to protect and safeguard the Council. The functions are summarised below.

	<i>Description</i>	<i>Source</i>
a)	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 and Section 5A Local Government and Housing Act 1989
b)	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 and Section 5A Local Government and Housing Act 1989
c)	Appointment of Deputy	Section 5 and Section 5A Local Government and Housing Act 1989
d)	Report on resources	Section 5 and Section 5A Local Government and Housing Act 1989
e)	Receive copies of whistleblowing allegations of misconduct	Public Interest Disclosure Act 1998 and Whistleblowing Code of Practice
f)	Arrange investigations of complaints of any Member misconduct	Section 28 Localism Act 2011
g)	Establish and maintain registers of Members' interests and gifts and hospitality	Section 29 Localism Act 2011 and Code of Conduct for Members
h)	Advise on disclosable pecuniary interests	Section 30 Localism Act 2011
i)	Advise on sensitive interests	Section 32 Localism Act 2011
j)	Grant of dispensations re: restrictions on Members' participation in meetings	Section 33 Localism Act 2011
k)	Advice to Members on interpretation of Code of conduct for Members	Section 28 Localism Act 2011 and Code of Conduct for Members
l)	New ethical framework functions in relation to Parish Councils	Section 27 Localism Act 2011

m)	Compensation for maladministration	Section 92 LGA 2000
n)	Advice on vires issues, maladministration, probity and policy framework to all Members	DCLG guidance
o)	Advise on any indemnities and insurance issues for Members / Officers	Section 101 LGA 2000 and Local Authorities (Indemnities for Members and Officers) Order 2004 (SI 2004/3082)

### 7.3 Non-Executive Functions: Other

The City Solicitor is authorised to discharge the following Council (non-executive) functions:

1. Supporting the corporate governance of the council, particularly in respect of:
  - (i) Monitoring and reviewing the effectiveness and operation of the constitution;
  - (ii) The requirements of the Members' Code of Conduct;
  - (iii) Setting, supporting and monitoring the council's policies and procedures for managing and access to information including data protection laws;
  - (iv) The appointment of committees and discharge of Council functions;
  - (v) The appointments to outside bodies;
  - (vi) The Members' Allowance Scheme;
  - (vii) The power to make, amend or revoke byelaws.
2. Legal and Governance services including
  - (i) Legal advice and related support services;
  - (ii) Functions relating to the role of Solicitor to the Council including:
    - o taking any action intended to give effect to a decision of the Executive;
    - o the commencement, defence, withdrawal or settlement of proceedings;
    - o the authorisation of Council officers to conduct legal matters in court<sup>4</sup>
  - (iii) Governance Services including support to elected members in their responsibilities, particularly in respect of:
    - o The Leader and Deputy Leader of the Council and Cabinet Members;
    - o The Lord Mayor;
    - o Councillors via group support offices;

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<sup>4</sup> "Court" to be construed widely including but not limited to tribunals, inquiries and other quasi-judicial hearings.



- The full Council meeting;
- Cabinet;
- Committees appointed by full Council;
- Overview & Scrutiny;
- Training and development of councillors.

#### **Local Choice**

The City Solicitor is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part B2 of the Constitution):

- To appoint review boards under the Social Security Act 1998;<sup>5</sup>
- To amend this Constitution (as set out in Part A6 of this Constitution);
- To make arrangements for the appointment of Committees and discharge of Council's functions.

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<sup>5</sup> s34(4) Social Security Act 1998

## **E8. DIRECTOR, ADULT SOCIAL CARE**

### **8.1 Summary**

The Director, Adult Social Care, is the responsible officer for the Adult Social Services.<sup>6</sup>

### **8.2 Executive Functions**

The Director, Adult Social Care, is authorised to discharge the following functions:

1. Services to support adults including:
  - Integration and personalisation of health and social care services across the city for the benefit and health and well-being of Birmingham citizens;
  - Information, advice and advocacy;
  - Prevention and Recovery: to take steps to prevent, reduce or delay the need for care and support for all people including:
    - Preventative Services: Provision or arrangement of community and home based services to adults with less intensive needs; and
    - Re-ablement Services: Provision or arrangement of early intervention time-limited services to meet the immediate requirements of adults with short-term social care needs.
2. Safeguarding including:
  - Co-ordination of multiagency arrangements to ensure that resources are deployed in safeguarding vulnerable adults;
  - Delivery of safeguarding training; and
  - To promote and enable identification of and appropriate action for vulnerable adults at risk of abuse or neglect.
3. Assessment and eligibility
4. Charging and financial assessments including undertaking financial assessments and the provision of deferred payments.

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<sup>6</sup> Appointed under Section 6 Local Authority Social Services Act 1970

## E9. DIRECTOR, DIGITAL AND CUSTOMER SERVICES

### 9.1 Executive Functions

The Director, Digital & Customer Services is authorised to discharge the following functions in line with the provisions of this Constitution:

1. The Council's Information and Communications Technology Strategy and Citizen Access strategy;
2. Information and Communications Technology Service including:
  - Deliver a reliable, flexible, integrated, secure, accessible and well managed service;
  - Create the capability to turn information into insight;
  - Deliver 'Value for Money' services through the commissioning of excellent ICTD;
  - Be innovative; to make changes to what's established, by introducing new methods, ideas, and solutions.
3. The Council's corporate customer services and business support functions including:
  - The telephone contact centre;
  - Digital access including the council's website and e-services;
  - Business support functions supporting all Directorates
4. Revenues, Benefits and Rents services including:
  - Council tax processing and billing arrangements;
  - Local Council Tax Support and recoverability of excess Council Tax Support payments;
  - National non domestic rates;
  - Local hardship schemes;
  - Housing benefit, including recoverability of overpayments, and education benefit services;
  - Financial and social inclusion initiatives;
  - Collection of Housing Rents.

Deleted: Revenue and benefits services

## **E10. DIRECTOR, EDUCATION & SKILLS**

### **10.1 Summary**

The Director, Education & Skills, is the responsible officer for the Children's Services.<sup>7</sup>

### **10.2 Executive Functions**

The Director, Education & Skills is authorised to discharge the following functions:

1. Education of Children and Young People including:
  - School improvement;
  - School places and travel to and from school;
  - Oversight of the Dedicated Schools Grant.
2. Special Educational Needs and Disability (SEND).
3. Early Years Provision
4. Children's Services and Safeguarding, including:
  - Overseeing the Children's Trust;
  - Safeguarding and Child Protection;
  - Youth Offending Services
5. Corporate Parenting.
6. Skills and employability
  - Skills and entrepreneurship in schools;
  - Youth engagement and youth services;
  - Employment Opportunities.
7. Library of Birmingham and community libraries.

### **10.3 Local Choice Functions**

The Director of Children's Services is authorised to discharge the following Local Choice Functions which have been assigned to Cabinet (see Part B2 of the Constitution):

- To make arrangements for appeals against exclusion of pupils from maintained Schools;
- To make arrangements for appeals regarding school admissions;<sup>8</sup>

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<sup>7</sup> Appointed under Section 18 Children Act 2004

<sup>8</sup> s94 (1), (1A) and (4) School Standards and Framework Act 1998

- To make arrangements for appeals by governing bodies.<sup>9</sup>

## **E11. DIRECTOR, INCLUSIVE GROWTH**

### **11.1 Executive Functions**

The Director, Inclusive Growth, is authorised to discharge the following functions in line with the provisions of this Constitution:

1. International and domestic inward economic investment including tourism and the visitor economy.
2. Economic growth, including:
  - Development programmes;
  - Land use planning;
  - Housing development.
3. Transport & Connectivity including:
  - Development of the Council's transport strategies and programmes;
  - The authority's strategic traffic management role;
  - Street naming and numbering;
  - Design of minor and major transport projects;
  - The making of agreements for the execution of highways works under S278 Highways Act 1980;
  - Air Quality via the Clean Air Zone.
4. Planning functions including:
  - Deal with any applications for planning permission or other consents (including demolitions);
  - Development of the Council's planning and transport policies;
  - Management of the planning service;
  - Building conservation and urban design; and
  - Obtaining of information as to interests in land.
5. Property Services including:
  - Council land use and property;

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<sup>9</sup> s95 (2) School Standards and Framework Act 1998

- Operational Property Management
- Asset Management;
- Central Administration Building (CAB) Accommodation and Management;
- Valuations and Acquisitions;
- Property Sales;
- Property Strategy Delivery;
- Investment Estate & Property Management;
- Property Asset Management and Income;
- Strategic Investment Property Management;
- Property Development;
- Security Services.

6. Highways and Infrastructure including:

- The authority's role as a highways, traffic and streetworks authorities;
- Maintenance of highway assets of roads, bridges, retaining walls, street lighting and associated infrastructure;
- Design and delivery of major and minor highway schemes;
- The making of agreements for the execution of highways works under S278 Highways Act 1980;
- Powers and duties relating to rights of way (including closures) under the Wildlife and Countryside Act, Highways Act, Town and Country Planning Act or Clean Neighbourhoods Act;
- To act as the Authority's Representative on behalf of the Council in accordance with the terms of the Highway Maintenance and Management Service PFI Contract;
- Discharging statutory duties with respect to the delivery of operational parking functions, including Civil Parking Enforcement
- Flood and water management including:
  - Discharging duties as Lead Local Flood Authority and other duties and responsibilities associated with the Flood Water Management Act;
  - Land drainage activities;
  - The delivery and maintenance of flood alleviation schemes
  - Flood response.

## 11.2 Non-Executive functions

The Director, Inclusive Growth, is authorised to discharge the following functions in line with the provisions of this Constitution:

- Power to create footpaths and bridleways;
- Power to stop up footpaths and bridleways;
- Power to divert footpaths and bridleways;
- Duty to assert and protect the rights of the public to the use and enjoyment of highways;
- Powers relating to the removal of things so deposited on highways as to be a nuisance;
- Duty to keep a definitive map and statement under review;
- Duty to reclassify roads used as public paths;
- Powers relating to the preservation of trees;
- Powers relating to the protection of important hedgerows;
- Power to make limestone pavement order.

## 11.3 Local Choice Functions

The Director Inclusive Growth is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part B3 of the Constitution):

- The control of pollution or the management of air quality;<sup>10</sup>
- To obtain information about interests in land;<sup>11</sup>
- To obtain particulars of persons interested in land;<sup>12</sup>
- To make agreements for the execution of highways works.<sup>13</sup>

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<sup>10</sup> Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

<sup>11</sup> s330 Town and Country Planning Act 1990

<sup>12</sup> s16 Local Government (Miscellaneous Provisions) Act 1976

<sup>13</sup> Section 278 Highways Act 1980

## **E12. DIRECTOR, NEIGHBOURHOODS**

### **12.1 Executive Functions**

1. Waste Strategy and Services including:
  - Waste collection;
  - Waste disposal;
  - Recycling.
2. Cleaner Neighbourhoods including:
  - Street cleansing;
  - Pest control;
  - Litter bin provision and maintenance;
  - Provision and cleaning of public conveniences;
  - Graffiti removal;
  - Dog control and dog warden service.
3. Housing Services including:
  - Council housing management services;
  - Liaison with Registered Social Landlords;
  - Housing Options;
  - Tenant engagement in social housing;
  - Neighbourhood Management.
4. Arts, Culture and Sports, including:
  - Museums and galleries;
  - Arts;
  - Sporting events;
  - Leisure centres and community sports facilities.
5. Parks and Allotments including:
  - Creation, management and enhancement of green spaces<sup>14</sup>;

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<sup>14</sup> Including parks & city centre beds, nature reserves & woodlands, playgrounds, allotments



- Creation, management and enhancement of related visitor attractions and facilities;
  - Public rights of way and provision and maintenance of footpaths and bridleways;
  - Woodland and tree management;
  - Provision of educational events and programmes;
  - Grass cutting and grounds maintenance;
  - Management of designated conservation sites.
6. Bereavement Services including:
- Cemeteries, crematoria, burial grounds and mortuaries including the authority's role as burial authority;
7. To discharge the Council's statutory obligations in relation to the operation of the Community Right to Bid for Assets of Community Value and the Community Right to Challenge.
8. To exempt the Illegal money lending team from provisions in Part D2 in relation to FinditinBirmingham (as per the footnotes in that section), if it is prudent to do so for operational, geographical and policy reasons. Value for money will also be a consideration in line with the ringfenced grant agreement

## 12.2 Non-Executive Functions

The Director, Neighbourhoods is authorised to discharge the following functions:

1. Regulation and Enforcement, including
  - Environmental Health Service, Trading Standards Service, England Illegal Money Lending Team, Regional Investigation team, the Licensing Service, the Waste Enforcement Unit (street scene) and the private rented sector (housing);
  - Enforcement activities, including the authorisation of proceedings and defending proceedings on behalf of the council in relation to civil and criminal matters in respect of these services.
2. Licensing functions including:
  - Functions of a licensing authority including (but not restricted to):
    - The administration of licenses for entertainment, gambling and the sale of alcohol;
    - Taxi and Private Hire;
    - Miscellaneous licensing functions;
    - Private Rented Sector licensing and regulation.
  - Adoption and revision of the Statement of Licensing Policy (Licensing Act 2003)
  - Adoption and revision of the Statement of Gambling Policy (Gambling Act 2005)

- Enforcement, including the authorisation of proceedings and defending proceedings on behalf of the council in relation to civil and criminal matters.
3. Environmental Health including :
- Food hygiene and safety;
  - Health and safety at work<sup>15</sup>;
  - Monitoring and control of infectious diseases;
  - Private water supply monitoring; and
  - Animal health and welfare enforcement<sup>16</sup>.
4. Trading Standards including:
- Tackling rogue traders
  - Product safety
  - Misleading claims, scams and illegal trading practices.
  - Underage sales
  - Illegal advertising
5. Registrars functions including:
- Registration of births, deaths, marriages and civil partnerships; and
  - Provision of civic weddings, civil partnerships and citizenship ceremonies.
6. Public Health Protection and Control of Statutory Nuisance including:
- Flytipping, commercial and household Duty of Care and rubbish accumulations;
  - Domestic, commercial and industrial noise, fumes and odours;
  - Air quality management; and
  - Other forms of pollution harmful to public health.
7. To authorise action on behalf of the Council in its role as a statutory partner to the Crime and Disorder Committee<sup>17</sup> including
- To discharge local authority approvals for S30 Dispersal Orders, Crack House Closures and other statutory instruments relating to local community safety;

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<sup>15</sup> other than in relation to Birmingham City Council staff or activities

<sup>16</sup> including livestock markets and animal breeding and boarding establishments

<sup>17</sup> Partnerships, Insight and Prevention Directorate is responsible for operational matters in relation to community safety

- To exercise powers in relation to the Anti-Social Behaviour, Crime & Policing Act 2014.

8. Local Land Charges functions including:

- Maintenance of the Local Land Charges Register; and
- Responsibility for processing local authority searches.

### 12.3 Local Choice Functions

The Director, Neighbourhoods is authorised to discharge the following Local Choice Functions which have been assigned to full Council:

- Any function relating to contaminated land;<sup>18</sup>
- To serve an abatement notice in respect of a statutory nuisance;<sup>19</sup>
- To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;<sup>20</sup>
- To inspect the authority's area to detect any statutory nuisance;<sup>21</sup>
- To investigate any complaint about the existence of a statutory nuisance.<sup>22</sup>

## E13. DIRECTOR OF HUMAN RESOURCES

### 13.1 Executive

The Director of Human Resources is authorised to discharge the following functions:

1. Setting, supporting and monitoring the council's policies and procedures for managing human resources and effective organisational development (including health and safety);

### 13.2 Non-Executive

2. Employment of staff and terms and conditions.
3. Functions relating to local government pensions, including:
  - To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal
  - To determine employee terms and conditions
  - To make standing orders in relation to Officer Employment

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<sup>18</sup> Part IIA Environmental Protection Act 1990 and subordinate legislation

<sup>19</sup> s80(l) Environmental Protection Act 1990

<sup>20</sup> s8 Noise and Statutory Nuisance Act 1993

<sup>21</sup> s79 Environmental Protection Act 1990

<sup>22</sup> s79 Environmental Protection Act 1990

## **E14. HEAD OF ELECTORAL SERVICES**

### **14.1 Non-Executive Functions: Returning Officer and Electoral Registration Officer**

The Head of Electoral Services is the Returning Officer and Electoral Registration Officer and is authorised to discharge the following Council (non-executive) functions:

<b>No</b>	<b>Function</b>	<b>Reference</b>
a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000

# Birmingham City Council

## City Council

25 May 2021



**Subject:** City Council Appointments  
**Report of:** Council Business Management Committee  
**Report author:** Phil Wright  
 Group Team Manager  
 0121 303 0216  
 phil.wright@birmingham.gov.uk

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 Motion:

- 1.1 That the City Council makes appointments to Committees and other bodies as set out in the Appendix to the report.

### 2 Executive Summary

- 2.1 This report sets out appointments to Committees and other Bodies to be approved by the City Council for the 2021/2022 Municipal Year.

### 3 Appendix

- 3.1 City Council Appointments 2021/2022.



**CITY COUNCIL APPOINTMENTS 2021/22**

In accordance with aggregate proportionality requirements based on 114 seats, the following adjustments need to be reflected in the composition of **Committees**: ie

Labour	= + 1 seats
Conservative	= + 1 seats
Liberal Dem	= - 3 seats
Others	= + 1 seat

**Committees will have regard to aggregate number of seats on all the Sub-Committees which they appoint.**

1. **APPOINTMENT OF MEMBERS TO SERVE ON OVERVIEW AND SCRUTINY COMMITTEES UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2022**

(A) **CO-ORDINATING OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**12 Members**

Labour (8)	Conservative (3)	Liberal Democrat (1)
Cllr Mohammed Aikhlaq	Cllr Deirdre Alden	Cllr Roger Harmer
Cllr Liz Clements	Cllr Debbie Clancy	
Cllr Penny Holbrook	Cllr Ewan Mackey	
Cllr Shabrana Hussain		
Cllr Mariam Khan		
Cllr Narinder Kaur Kooner		
Cllr Rob Pocock		
Cllr Carl Rice		

**Councillor Carl Rice as Chair**

(B) **RESOURCES OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (5)	Conservative (2)	Liberal Democrat (1)
Cllr Mohammed Aikhlaq	Cllr David Barrie	Cllr Paul Tilsley
Cllr Barbara Dring	Cllr Meirion Jenkins	
Cllr Shafique Shah		
Cllr Majid Mahmood		
Cllr Lisa Trickett		

**Councillor Mohammed Aikhlaq as Chair**

(C) **HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (5)	Conservative (2)	Liberal Democrat (1)
Cllr Safia Akhtar	Cllr Debbie Clancy	Cllr Paul Tilsley
Cllr Mohammed Idrees	Cllr Peter Fowler	
Cllr Ziaul Islam		
Cllr Rob Pocock		
Cllr Saima Suleman		

**Councillor Rob Pocock as Chair**

(D) **EDUCATION AND CHILDREN'S SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members (1 seat given up by the Liberal Democrat Group to the Labour Group)**

Labour (6)	Conservative (2)	Liberal Democrat (0)
Cllr Olly Armstrong	Cllr Charlotte Hodivala	Cllr
Cllr Katherine Iroh	Cllr Alex Yip	
Cllr Kerry Jenkins		
Cllr Narinder Kooner		
Cllr Kath Scott		
Cllr Saddak Miah		

**Councillor Narinder Kaur Kooner as Chair**

**Other Voting Members (4)**

1 Church of England diocese representative – Sarah Smith

1 Roman Catholic diocese representative – Adam Hardy

2 Parent Governor Representatives – Rabia Shami and Omar Hanif

(E) **ECONOMY AND SKILLS OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members (1 seat given up by the Liberal Democrat Group to the Conservative Group)**

Labour (5)	Conservative (3)	Liberal Democrat (0)
Cllr Alex Aitken	Cllr Maureen Cornish	Cllr
Cllr Nicky Brennan	Cllr Simon Morrall	
Cllr Shabrana Hussain	Cllr Darius Sandhu	
Cllr Zaheer Khan		
Cllr Chaman Lal		

**Councillor Shabrana Hussain as Chair**



(F) **SUSTAINABILITY AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (5)	Conservative (2)	Liberal Democrat (1)
Cllr Mick Brown	Cllr Eddie Freeman	Cllr Zaker Choudhry
Cllr Liz Clements	Cllr Timothy Huxtable	
Cllr Mohammed Fazal		
Cllr Julie Johnson		
Cllr Hendrina Quinnen		

**Councillor Liz Clements as Chair**

(G) **HOUSING AND NEIGHBOURHOODS OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (5)	Conservative (2)	Liberal Democrat (1)
Cllr Marje Bridle	Cllr Deirdre Alden	Cllr Roger Harmer
Cllr Penny Holbrook	Cllr Ken Wood	
Cllr Mahmood Hussain		
Cllr Mary Locke		
Cllr Mike Sharpe		

**Councillor Penny Holbrook as Chair**

(H) **COMMONWEALTH GAMES, CULTURE AND PHYSICAL ACTIVITY OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (5)	Conservative (2)	Liberal Democrat (1)
Cllr Gurdial Singh Atwal	Cllr John Lines	Cllr Morriam Jan
Cllr Mohammed Azim	Cllr Ron Storer	
Cllr Mariam Khan		
Cllr Yvonne Mosquito		
Cllr Martin Straker-Welds		

**Councillor Mariam Khan as Chair**

2. **APPOINTMENT OF MEMBERS TO SERVE ON THE REGULATORY COMMITTEES UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2022**

(A) **PLANNING COMMITTEE**

(Must comply with proportionality requirements)

**15 Members**

Labour (10)	Conservative (4)	Liberal Democrat (1)
Cllr Diane Donaldson	Cllr Bob Beauchamp	Cllr Mike Ward
Cllr Peter Griffiths	Cllr Maureen Cornish	
Cllr Mohammed Azim	Cllr Gareth Moore	
Cllr Mohammed Idrees	Cllr Simon Morrall	
Cllr Julie Johnson		
Cllr Karen McCarthy		
Cllr Saddak Miah		
Cllr Kath Scott		
Cllr Martin Straker-Welds		
Cllr Saima Suleman		

**Councillor Karen McCarthy as Chair**

(B) **LICENSING AND PUBLIC PROTECTION COMMITTEE**

(Must comply with proportionality requirements)

**15 Members**

Labour (10)	Conservative (4)	Liberal Democrat (1)
Cllr Alex Aitken	Cllr Bob Beauchamp	Cllr Neil Eustace
Cllr Olly Armstrong	Cllr Adam Higgs	
Cllr Nicky Brennan	Cllr Bruce Lines	
Cllr Phil Davis	Cllr Simon Morrall	
Cllr Nagina Kauser		
Cllr Mike Leddy		
Cllr Mary Locke		
Cllr Diane Donaldson		
Cllr Chauhdry Rashid		
Cllr Mike Sharpe		

**Councillor Phil Davis as Chair**

(B1) **LICENSING SUB-COMMITTEE A**

(Must comply with proportionality requirements except when meeting to consider matters under the Licensing Act 2003 and the Gambling Act 2005)

**3 Members**

Labour (2)	Conservative (1)	Liberal Democrat (0)
Cllr Phil Davis	Cllr Bob Beauchamp.	
Cllr Nagina Kauser		

**Councillor Phil Davis as Chair**

(B2) **LICENSING SUB-COMMITTEE B**

(Must comply with proportionality requirements except when meeting to consider matters under the Licensing Act 2003 and the Gambling Act 2005)

**3 Members**

Labour (2)                      Conservative (1)                      Liberal Democrat (0)

Cllr Diane Donaldson              Cllr Adam Higgs.  
Cllr Mike Sharpe

**Councillor Diane Donaldson as Chair**

(B3) **LICENSING SUB-COMMITTEE C**

(Must comply with proportionality requirements except when meeting to consider matters under the Licensing Act 2003 and the Gambling Act 2005)

**3 Members (1 seat given up by Conservative Group to the Liberal Democrat group)**

Labour (2)                      Conservative (0)                      Liberal Democrat (1)

Cllr Nicky Brennan                      Cllr Neil Eustace  
Cllr Mary Locke

**Councillor Nicky Brennan as Chair**

3. **APPOINTMENT OF MEMBERS TO SERVE ON THE COUNCIL BUSINESS MANAGEMENT COMMITTEE UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2022**

(Outside of proportionality requirements)

**9 Members –**

Labour Group Leader, Deputy Leader, Group Secretary & Chair of Co-Ordinating O&S Committee

Conservative Group Leader & Group Secretary

Liberal Democrat Group Leader or Group Secretary

2 Labour

Labour (6)                      Conservative (2)                      Liberal Democrat (1)

Cllr Fred Grindrod                      Cllr Robert Alden                      Cllr Mike Ward  
Cllr Brigid Jones                      Cllr Gareth Moore  
Cllr Saddak Miah  
Cllr Carl Rice  
Cllr Martin Straker-Welds  
Cllr Ian Ward

**Councillor Ian Ward, Leader of the Council as Chair**

4. **APPOINTMENT OF MEMBERS TO SERVE ON THE AUDIT COMMITTEE  
UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2022**

(Must comply with proportionality requirements)

**8 Members**

Labour (5)	Conservative (2)	Liberal Democrat (1)
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Cllr Safia Akhtar	Cllr Meirion Jenkins	Cllr Paul Tilsley
Cllr Sir Albert Bore	Cllr Simon Morrall	
Cllr Marje Bridle		
Cllr Fred Grindrod		
Cllr Hendrina Quinnen		

**Councillor Fred Grindrod as Chair**

**APPOINTMENT OF MEMBERS TO SERVE ON THE TRUSTS AND  
CHARITIES COMMITTEE UNTIL THE ANNUAL MEETING OF THE  
COUNCIL IN MAY 2020**

(Must comply with proportionality requirements)

**8 Members (1 seat given up by the Liberal Democrat Group to the Green Party Member)**

Labour (5)	Conservative (2)	Green Party Member (1)
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Cllr Akhlaq Ahmed	Cllr Adrian Delaney	Cllr Julien Pritchard
Cllr Gurdial Singh Atwal	Cllr David Pears	
Cllr Zhor Malik		
Cllr Yvonne Mosquito		
Cllr Josh Jones		

**Councillor Akhlaq Ahmed as Chair**

6. **APPOINTMENT OF MEMBERS TO SERVE ON THE STANDARDS COMMITTEE UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2022**

(City Councillor appointments outside of proportionality requirements)

**6 Members**

Labour (2)	Conservative (2)	Liberal Democrat (2)
Cllr Julie Johnson Cllr Carl Rice	Cllr Deirdre Alden Cllr Peter Fowler	Cllr Neil Eustace Cllr Paul Tilsley

6 Independent lay members:

Stephen Atkinson  
Alastair Cowan  
Mohammed Khan  
Peter Wiseman  
Steven Jonas  
Professor Stephen Shute

1 member representing the New Frankley in Birmingham Parish Council and  
1 member representing the Sutton Coldfield Parish Council  
(Parish member must be present when matters relating to the Parish Council  
or its Members are being considered):

New Frankley in Birmingham Parish Councillor Cllr Ian Bruckshaw  
Sutton Coldfield Parish Councillor Cllr Derrick Griffin

Peter Wiseman as Chairman (independent)

The quorum is 5 members, including at least one of the Independent Lay  
Member and the Parish Councillor if it relates to a Parish Council matter.

7. **ANNUAL APPOINTMENTS TO OUTSIDE BODIES UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2022**

(A) **Local Government Association – General Assembly**

**(4 Councillors** to exercise 17 votes in accordance with proportionality)

Labour Group Members	11 votes
Conservative Group Member	5 votes
Liberal Democrat Group Member	1 votes
Cllr Ian Ward	(Lab)
Cllr Brigid Jones	(Lab)
Cllr Robert Alden	(Con)
Cllr Roger Harmer	(Lib Dem)

(B) **West Midlands Fire and Rescue Authority**

**(4 Councillors** appointments must comply with proportionality requirements)

### Labour (3)

## Conservative (1)

Clr Zafar Iqbal

Cllr David Barrie

Cllr Mary Locke

Cllr Sybil Spence

### Cllr Zafar Iqbal as Lead Member

(C) **West Midlands Police and Crime Panel**

To appoint one Labour member and a named substitute to serve on West Midlands Police and Crime Panel.

Member

Substitute

## Cllr Mick Brown

(Lab)

Cllr Shabrana Hussain (Lab)

Birmingham to nominate to the Met Leaders 1 Labour and 1 Conservative representatives to serve on West Midlands Police and Crime Panel, along with named substitutes.

Member

Substitute

Cllr Brett O'Reilly (Lab)

Cllr John Lines (Con)

Cllr Safia Akhtar (Lab)

Cllr David Barrie (Con)

(D) **West Midlands Shareholders Airport Committee**

Leader of the Council - Voting Member

Cllr Waseem Zaffar (Lab) and Cllr Robert Alden (Con) as observers to attend each year one of the scheduled meetings of the West Midlands Shareholders Airport Committee:

(E) **Departmental Consultative Committees**

Chairmen of Departmental Consultative Committees:

Inclusive Growth Directorate (previously Economy)  
Education and Skills Directorate (previously  
Children and Young People)

Cllr Carl Rice

Cllr Diane Donaldson

Cllr

Cllr

Neighbourhoods Directorate (previously Place)

Adults Social Care Directorate (previously Adults Social Care and Health)

Cllr Penny Holbrook

Cllr Mick Brown

Cllr

Cllr

(F) **Association of Councillors**

The appointment is for a 3 year period of office ie May 2020 to May 2023 and the person appointed must be a Member of the Council.

Councillor Diane Donaldson

(G) **Joint Scrutiny Committee for the Supervisory Board of the Greater Birmingham and Solihull Local Enterprise Partnership**

Appoint one member of Authority and a substitute Member

Cllr Peter Griffiths (Lab) and Cllr Shabrana Hussain (Lab) (Substitute)

(H) **West Midlands Combined Authority**

The following appointments need to be made

**WMCA Board**

Member	Substitute
Cllr Ian Ward (Lab)	Cllr Paulette Hamilton (Lab)
Cllr Brigid Jones (Lab)	Cllr Tristan Chatfield (Lab)

**WMCA Overview and Scrutiny Committee**

Member	Substitute
Cllr Lisa Trickett (Lab)	Cllr Josh Jones (Lab)
Cllr Julie Johnson (Lab)	Cllr Penny Holbrook (Lab)
Cllr Peter Fowler (Con)	Cllr Ken Wood (Con)

**Transport Delivery Committee**

(7 Councillors appointments must comply with proportionality requirements)

Labour (4)	Conservative (2)	Liberal Democrat (1)
Cllr Kath Hartley	Cllr Robert Alden	Cllr Morriam Jan
Cllr Mohammed Idrees	Cllr Timothy Huxtable	
Cllr Ziaul Islam		
Cllr Chaman Lal		

**Cllr Kath Hartley as Lead Member**

**WMCA Transport Scrutiny Sub-Committee**

Cllr Liz Clements (Lab)

## **WMCA Audit, Risk & Assurance Committee**

Member

Substitute

Cllr Carl Rice

(Lab)

Cllr Marje Bridle (Lab)

## **WMCA Housing & Land Delivery Board**

Cllr Sharon Thompson (Lab)

## **WMCA Investment Board**

Cllr Tristan Chatfield (Lab)

## **WMCA Public Service Reform Board**

Cllr Brigid Jones (Lab)

## **WMCA Wellbeing Board**

Cllr Paulette Hamilton (Lab)

## **WMCA Environment Board**

Cllr Waseem Zaffar (Lab)

## **Strategic Economic Delivery Board**

Cllr TBC (Lab)

## **WMCA HS2 Delivery Board**

Cllr Ian Ward (Lab)

### **(I) WM Growth Company - Board of Directors**

The Leader will be the Council's nomination.

### **(J) Safety Advisory Groups**

To make appointments on the basis of 1-1-1 plus the Local Ward Member

Aston Villa Football Club Safety Advisory Group

Councillor Waseem Zaffar (Lab)

Councillor Bob Beauchamp (Con)

Councillor Roger Harmer (Lib Dem)

Councillor Nagina Kauser (One Aston Ward Member)



## Birmingham City Football Club Safety Advisory Group

Councillor Safia Akhtar (Lab)  
Councillor Ron Storer (Con)  
Councillor Mike Ward (Lib Dem)  
Councillor Yvonne Mosquito (Bordesley and Highgate Ward Member)

## Warwickshire County Cricket Club Safety Advisory Group

Councillor Fred Grindrod (Lab)  
Councillor Robert Alden (Con)  
Councillor Neil Eustace (Lib Dem)  
Councillor Deirdre Alden (One Edgbaston Ward Member)

### (K) **Annual Appointments to Other Bodies**

(Historically, proportionality has been applied to positions requiring two or more members, although it does not need to be applied to such appointments).

#### **Body**

#### **Representative**

(a) Interim Standing Advisory Council on Religious Education – <b>8 Representatives</b>	Cllr Olly Armstrong	(Lab)
	Cllr Gurdial Atwal	(Lab)
	Cllr John Cotton	(Lab)
	Cllr Chauhdry Rashid	(Lab)
	Cllr Sybil Spence	(Lab)
	Cllr Debbie Clancy	(Con)
(To comply with proportionality - 5 Lab; 2 Con; 1 Lib Dem)	Mr Guy Hordern	(Con)
	Mr Blair Kessler	(Lib Dem)

#### **Cllr John Cotton as Chair**

(b) City Housing Liaison Board <b>3 Councillors plus 1 Lab alternate</b> 1 Lab; 1 Con; 1 Lib Dem	Cllr Sharon Thompson	(Lab)
	Cllr Penny Holbrook	(Lab) alt
	Cllr John Lines	(Con)
	Cllr Zaker Choudhry	(Lib Dem)

