

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

BIRMINGHAM CITY COUNCIL

CITY COUNCIL

TUESDAY, 06 FEBRUARY 2018 AT 14:00 HOURS
IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

5 - 60

2 MINUTES

To confirm and authorise the signing of the Minutes of the meeting of the Council held on 9 January 2018.

3 LORD MAYOR'S ANNOUNCEMENTS

(1400-1410)

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

4 PETITIONS

(15 minutes allocated) (1410-1425)

To receive and deal with petitions in accordance with Standing Order 9.

As agreed by Council Business Management Committee a schedule of outstanding petitions is available electronically with the published papers for the meeting and can be viewed or downloaded.

5 QUESTION TIME

(90 minutes allocated) (1425-1555)

To deal with oral questions in accordance with Standing Order 10(C)

- A. Questions from Members of the Public to any Cabinet Member, Assistant Leader, District Committee Chairman or Ward Forum Chairman (20 minutes)
- B. Questions from any Councillor to a Committee Chairman, Lead Member of a Joint Board or Ward Forum Chairman (20 minutes)
- C. Questions from Councillors other than Cabinet Members and Assistant Leaders to a Cabinet Member or Assistant Leader (25 minutes)
- D. Questions from Councillors other than Cabinet Member and Assistant Leaders to the Leader or Deputy Leader (25 minutes)

6 **APPOINTMENTS BY THE COUNCIL**

(5 minutes allocated) (1555-1600)

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

7 **EXEMPTION FROM STANDING ORDERS**

Councillor Diane Donaldson to move an exemption from Standing Orders.

8 **AMENDMENTS TO THE CONSTITUTION**

(15 minutes allocated) (1600-1615)

To consider a report of Council Business Management Committee.

The Leader of the Council Councillor Ian Ward to move the following Motion:-

That the Council adopts the following changes to changes to its constitution:

- To discontinue the District Committees and the Role of Executive Members for Local Services (District Committee Chairs) and enhance the role of Ward Forums;
- To remove the Cabinet Committee Local Leadership from the Council's Executive governance arrangements;
- To enable the appointment of Cabinet advisors;

and authorises the City Solicitor to implement the changes to the Constitution set out in the Appendices with immediate effect.

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

(60 minutes allocated) (1615-1715)

91 - 124

BIRMINGHAM TREE POLICY

To consider a report of the Birmingham Tree Policy Task & Finish Group.

Councillor Fiona Williams to move the following Motion:-

"That the recommendations R01 to R12 are approved, and that the Executive be requested to pursue their implementation."

(break 1715-1745)

125 - 126

10

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

(90 minutes allocated) (1745-1915)

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



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY 9 JANUARY 2018 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Anne Underwood) in the Chair

Councillors

Muhammed Afzal	Barbara Dring	Mary Locke
Uzma Ahmed	Des Flood	Ewan Mackey
Mohammed Aikhlaq	Jayne Francis	Majid Mahmood
Deirdre Alden	Matthew Gregson	Karen McCarthy
John Alden	Carole Griffiths	Gareth Moore
Robert Alden	Peter Griffiths	Yvonne Mosquito
Tahir Ali	Andrew Hardie	Brett O'Reilly
Sue Anderson	Roger Harmer	John O'Shea
Gurdial Singh Atwal	Kath Hartley	David Pears
Mohammed Azim	Des Hughes	Eva Phillips
David Barrie	Jon Hunt	Robert Pocock
Bob Beauchamp	Mahmood Hussain	Victoria Quinn
Matt Bennett	Shabrana Hussain	Hendrina Quinnen
Kate Booth	Timothy Huxtable	Chauhdry Rashid
Sir Albert Bore	Mohammed Idrees	Carl Rice
Barry Bowles	Zafar Iqbal	Fergus Robinson
Randal Brew	Morriam Jan	Gary Sambrook
Marje Bridle	Kerry Jenkins	Rob Sealey
Alex Buchanan	Meirion Jenkins	Shafique Shah
Andy Cartwright	Simon Jevon	Mike Sharpe
Tristan Chatfield	Julie Johnson	Sybil Spence
Zaker Choudhry	Brigid Jones	Claire Spencer
Debbie Clancy	Carol Jones	Stewart Stacey
John Clancy	Nagina Kauser	Ron Storer
Liz Clements	Tony Kennedy	Martin Straker Welds
Lynda Clinton	Ansar Ali Khan	Paul Tilsley
Lyn Collin	Changeese Khan	Lisa Trickett
Maureen Cornish	Mariam Khan	Margaret Waddington
John Cotton	Narinder Kaur Kooner	Ian Ward
Ian Cruise	Chaman Lal	Mike Ward
Basharat Dad	Mike Leddy	Fiona Williams
Phil Davis	Bruce Lines	Ken Wood
Diane Donaldson	John Lines	Alex Yip
Peter Douglas Osborn	Keith Linnecor	Waseem Zaffar

NOTICE OF RECORDING

- 18943 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

MINUTES

It was moved by the Lord Mayor, seconded and –

- 18944 **RESOLVED:-**

That the Minutes of the meeting held on 5 December 2017 having been printed and copies circulated to each Member of the Council, be taken as read and confirmed and signed.

It was moved by the Lord Mayor, seconded and –

- 18945 **RESOLVED:-**

That the public section of the Minutes of the extraordinary meeting of the Council held on 11 December 2017 be noted.

LORD MAYOR'S ANNOUNCEMENTS

A. Death of Honorary Alderman Sir Frank Price

The Lord Mayor informed the Chamber of the death of Honorary Alderman Sir Frank Price on 29 December 2017 at the age of 95. He died peacefully at his home in Spain.

The Lord Mayor advised that Frank served as a Councillor for St Paul's Ward from 1949 to 1958 and then as an Alderman from 1958 to 1974. He served on numerous Committees of the Council and on boards and trusts of numerous outside bodies. He was elected Lord Mayor of Birmingham in 1964 and became an Honorary Alderman on 26 March 1974. In addition Frank had also been Leader of the Labour Group and Chairman of British Waterways.

- 18946 **RESOLVED:-**

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

B. New Year's Honours

18947 The Lord Mayor asked those in the Chamber to join her in congratulating those mentioned in the New Year's Honours list for services to Birmingham or who lived in Birmingham as follows:-

CBE

Professor Richard James Lilford

OBE

Professor James Arthur

Professor Hilary Joyce Grainger

MBE

Cindy Bonita Beckford

Rosemary Jane Cadbury

Paul Cobbing

Jill Dudley-Toole

Bernadette Peers

Naeem Rabbani Qureshi

Dr Robert Ramdhanie

Andrew Ready

Andrew Paul Watson

Queen's Fire Service Medal

Philip John Loach

Queen's Ambulance Service Medal

Diane Jessica Scott

EXEMPTION FROM STANDING ORDERS

It was moved by Councillor Diane Donaldson, seconded and

18948 **RESOLVED:-**

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

- *Allow the agenda item relating to question time to be considered ahead of petitions*
 - *Allocate 15 minutes for item 8 (Review of Birmingham's Council Tax Support Scheme 2017/18)*
 - *Allocate 30 minutes for item 9 (Birmingham Homelessness Prevention Strategy 2017+)*
 - *Allocate 30 minutes for item 10 (Commonwealth Games 2022)*
-

QUESTION TIME

18949 The Council proceeded to consider Oral Questions in accordance with Standing Order 9

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

During part C of Oral Questions Councillor Alex Yip rose on a point of order to ask if Councillor Lisa Trickett would be asked to retract her comment that the Conservatives were like dogs and apologise for it.

The Lord Mayor indicated that she had reprimanded Councillor Trickett at the time and would consult with the City Solicitor after the meeting and write to Councillor Trickett if it is necessary for her to apologise.

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 -

18950 **RESOLVED:-**

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

Petitions Update

The following Petitions Update was submitted:-

(See document No 2)

It was moved by the Lord Mayor, seconded and -

18951 **RESOLVED:-**

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

APPOINTMENTS BY THE COUNCIL

Following nominations it was -

18952

RESOLVED:-

That the following persons be appointed until the Annual Meeting of the City Council in 2018 as set below:-

<u>Body</u>	<u>Representative</u>
<u>Standards Committee</u>	New Frankley in Birmingham Parish Councillor Ian Bruckshaw and Sutton Coldfield Parish Councillor Derrick Griffin for the period 23 May 2017 to 22 May 2018
<u>Corporate Resources and Governance Overview and Scrutiny Committee</u>	Councillor Liz Clements (Lab) to replace former Councillor Valerie Seabright (Lab) and Councillor Debbie Clancy (Con) to replace Ewan Mackey (Con) for the remainder of the 2017/2018 Municipal Year.

REVIEW OF BIRMINGHAM'S COUNCIL TAX SUPPORT SCHEME 2017/18

The following report of the Leader of the Council was submitted:-

(See document No 3)

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

There being no debate the Motion having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore -

18953

RESOLVED:-

That approval be given to retain the current Council Tax Support Scheme for the next financial year (2018/19) notwithstanding any prescribed changes set by Government and/or annual uprating.

BIRMINGHAM HOMELESSNESS PREVENTION STRATEGY 2017+

The following joint report from the Cabinet Member for Health and Social Care and the Cabinet Member for Housing and Homes was submitted:-

(See document No 4)

Councillor Peter Griffiths moved the motion which was seconded.

A debate ensued.

Councillor Peter Griffiths replied to the debate.

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

It was therefore -

18954

RESOLVED:-

That the draft Birmingham Homelessness Prevention Strategy 2017+ (Appendix1) is approved as the City Council's new Homelessness Strategy and that the Corporate Director of Place be authorised to publish and disseminate the document as appropriate.

COMMONWEALTH GAMES 2022

The following joint report of the Chief Executive and Corporate Director Finance and Governance was submitted:-

(See document No 5)

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

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

(See document No 6)

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

A debate ensued.

The Leader of the Council Councillor Ian Ward replied to the debate during which he indicated that the amendment was acceptable.

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

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

It was therefore -

18955 **RESOLVED:-**

That the Council:-

Notes the Cabinet decision of 8th December and welcomes the announcement of 21st December of the award of the Commonwealth Games 2022 to Birmingham

Notes the next steps set out in the report including the setting up of a Members Advisory Board

Congratulates Coventry on the award of the City of Culture 2021.

Council further re-affirms the principles agreed by Council in relation to the Commonwealth Games on 1 November 2016 including:-

- The commitment in paragraph 4.2.2 of today's report that there should be "no prejudice" to day-to-day services or to council taxpayers;
- A commitment to transparency around finances and planning, that will include regular updates to Council as well as to the wards directly affected by the event.

Council further agrees to work with the Commonwealth Games Federation and the Commonwealth itself to enable the development of new funding models for the Games, noting the huge significance of the event for the Commonwealth as a family of nations and peoples.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

18956 **RESOLVED:-**

That the Council be adjourned until 1720 hours on this day.

The Council then adjourned at 1645 hours.

At 1720 hours the Council resumed at the point where the meeting had been adjourned.

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

The Council proceeded to consider the Motions of which notice had been given in accordance with Standing Order 4(1).

A. Councillors Gareth Moore and Robert Alden have given notice of the following Motion:-

(See document No 7)

Councillor Gareth Moore moved the Motion, which was seconded by Councillor Robert Alden.

In accordance with Council Standing Orders, Councillors Karen McCarthy and Peter Griffiths gave notice of the following amendment to the Motion:-

(See document No 8)

Councillor Karen McCarthy moved the amendment which was seconded by Councillor Peter Griffiths.

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

(See document No 9)

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

A debate ensued during which Councillor Alex Yipp indicated that he was a HMSO licence holder.

Councillor Gareth Moore replied to the debate.

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

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

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

It was therefore -

18957

RESOLVED:-

This Council believes that in any modern city, a diverse range of housing options are required to match the needs of the population. The Council also recognise that every community within Birmingham is unique and distinctive and it is important that we preserve the character of these areas. The Council also believes that the City has a shortage of quality family housing

and the conversion of family dwellings to HMO properties exacerbates this problem.

This council regrets that the failure of the Government's housing policies evidenced by the growing homelessness crisis, combined with the impact of welfare reforms since 2010, mean that a growing number of citizens of all ages are increasingly reliant on the HMO market.

The Council recognises that there is a need to increase the housing supply, but believes that this must be balanced against the concerns there are about the proliferation of HMOs and about the impact this can have on established communities and neighbourhoods and how they can undermine the character of historical parts of Birmingham. The Council notes that the police have also often raised concerns through the planning process in relation to HMO conversions because of the impact they can have on community cohesion.

The Council also notes the importance of the provision of decent, high quality accommodation and that often HMOs are over intensive for the building they are put in, leaving rooms below adequate size.

The Council notes that there are already policies in place in parts of the City that seek to restrict the creation of new HMOs via an Article 4 Direction, however this is not City wide and even where it is in place has had limited impact in restricting the creation of new HMOs.

The Council also notes that under an Article 4 direction, planning fees cannot be charged meaning that any extension of such arrangements would create a cost pressure for the Council. However, under current planning laws this is the only way to remove permitted development rights for a change from C3 to C4.

The Council notes that Selective licensing has recently been extended to parts of the City but whilst this goes some way to promoting good management of HMOs after conversion it does not prevent their proliferation across the City.

Council therefore calls on the Council Leader to consider the options for further restricting HMO conversions as part of revised local planning policies, including further area-based Article 4 Directions where appropriate. Such a Direction should include a requirement for all conversions from C3 to C4 to require planning permission, and that this permission should be considered based on the existing character of the local area, the impact on communities and the wishes of local residents.

The Council will pursue policies contained within the Birmingham Development Plan preventing the loss of existing dwelling stock to other uses. Such loss will only be permitted where there are good planning reasons or social need for the proposed use.

As part of the emerging Development Management Document, the Council will produce a specific policy on HMOs to avoid their cumulative impacts in regard to ensuring that there is the right mix of housing types in an area but

also in relation to impacts on residential character, appearance, amenity and parking.

The Council also calls for covenants to be placed on all future Council new builds or disposals (including Right to Buy) to prevent future conversion of these properties into flats or HMOs.

The Council also asks the Council Leader to write, jointly with the other Group Leaders, to the Minister of State for Housing and Planning urging him to look at the impacts of welfare reform and the growing national housing crisis on the HMO market. The Government must act now to ensure that everyone has access to a decent home.

Councillors Roger Harmer and Morriam Jan have given notice of the following Motion:-

(See document No 10)

Councillor Roger Harmer moved the Motion, which was seconded by Councillor Morriam Jan.

In accordance with Council Standing Orders, Councillors Lisa Trickett and John O'Shea gave notice of the following amendment to the Motion:-

(See document No 11)

Councillor Karen McCarthy moved the amendment which was seconded by Councillor Peter Griffiths.

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

(See document No 12)

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

There was insufficient time for debate and Councillor Roger Harmer made some closing comments.

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

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

(See document No 13)

The total results referred to in the interleave read:-

Yes – 52 (For the amendment);

No – 31 (Against the amendment);

Abstain – 0 (Abstentions).

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

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

(See document No 14)

The total results referred to in the interleave read:-

Yes – 31 (For the amendment);

No – 50 (Against the amendment);

Abstain – 1 (Abstentions).

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

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

(See document No 15)

The total results referred to in the interleave read:-

Yes – 52 (For the amendment);

No – 31 (Against the amendment);

Abstain – 0 (Abstentions).

It was therefore –

18958 **RESOLVED:-**

This Council notes that:

- 1) UK households were estimated to throw away 7 million tonnes of food each year in 2012
- 2) The total cost of the food wasted in the UK is equivalent to 6 meals per household per week or £470 per year
- 3) Food wasted in the UK has a major environmental impact. It takes 19,000km² of land to grow and produces Green House Gas emissions

equivalent to 17million tonnes of CO2, equivalent to those produced by 1 in 4 UK cars

- 4) A two week survey in 2016 showed that food waste makes up 48% of the total waste collected in Birmingham
- 5) Collecting food waste has been shown to reduce the amount of food wasted, bringing environmental and cost benefits
- 6) A Parliamentary report into food waste in 2017 recommended that:
“Local authorities must look at the opportunities to introduce separate food waste collections when new waste contracts are put in place.

The Council commits to:

- Focus on waste prevention, prioritising a city-wide programme to tackle the amount of food waste thrown away each week.
- Work closely with individual households, businesses, local community organisations and national campaigns to promote best practice in food waste prevention.
- Monitor future technological advances that may result in cost-effective community based food waste recycling solutions in the future.
- Finalise and approve the Waste Strategy 2017 - 40 and the Waste Prevention Plan in accordance with the delegation given by Cabinet in October 2017

Further the Council expresses its disappointment that the Waste Strategy has not come to Full Council for approval as previously promised and disagrees fundamentally with the version approved by Cabinet in October which is highly unlikely to address the numerous failures that residents have experienced with the waste service over the last year and the low recycling rates in the City which - from a previously improving trajectory - have, since Labour took control, seen the Council sink to become the worst performing metropolitan authority, with recycling rates 40% below average and two and a half times worse than the best performing authorities.

The Council therefore believes a revised version of the Waste Strategy should be brought to Full Council at the earliest opportunity to include proposals to trial a free combined food and green waste collection, a commitment to retain weekly bin collections and an incentive scheme for recycling.

This Council is concerned by the huge levels of complaints residents have rightly made about the standard of collection service this winter which that has seen some roads have even more waste uncollected than during the strike. Therefore the Council thinks the standard of collection and recycling service offered to residents over the last few years has been of an unacceptable standard and well short of what residents have a right to expect.

EXCLUSION OF THE PUBLIC

The Lord Mayor moved the following Motion which was seconded and it was-

18959 **RESOLVED:-**

That, in view of the nature of the business to be transacted, which includes the following exempt information under paragraph 1 of the Revised Schedule 12A of the Local Government Act 1972, the public be now excluded from the meeting.

PRIVATE

MINUTES OF THE EXTRAORDINARY MEETING

It was moved by the Lord Mayor, seconded and –

18960 **RESOLVED:-**

That the private section of the Minutes of the extraordinary meeting of the Council held on 11 December 2017 be noted and having been printed and copies circulated to each Member of the Council, the minutes as a whole be taken as read and confirmed and signed..

The meeting ended at 1900 hours.

APPENDIX

Questions and replies in accordance with Standing Order 9(B).

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

A1 Commonwealth Games

Question:

Could the Leader inform us how the Commonwealth Games will be paid for?

Answer:

A separate report to this Council meeting provides an update on the Commonwealth Games, but this does not include financial details. A full update will be provided to Council later in the cycle as there are ongoing discussions with various partners about these issues. In the meantime there will be detailed briefings provided to Members.

As reported to Cabinet on 8th December, the Government will fund 75% of the delivery cost of the Games, which would be an investment of several hundred million pounds into the city and region. The remaining 25% of the cost will be funded by the City Council in conjunction with regional public and private bodies. The funding for the Commonwealth Games is divided between revenue (day to day operational spending) and capital (money which is for assets, plant, buildings). The Council has made clear that the funding required to support the Organising Committee for the Games will not impact on Council's Revenue Budget.

The Games Village will be funded separately by the Council. This will mean that the Council incurs all the construction costs and would fund these from prudential borrowing (after any external grant funding obtained). After the Games, the Council would convert the village to residential housing with the intention that the borrowing would be partly repaid from housing sales proceeds, with the cost of the remaining borrowing met from rental income.

The Council will be introducing robust cost control and reporting mechanisms for every aspect of the Games and will be doing so in conjunction with its partners on the Organising Committee, the Commonwealth Games Federation, Commonwealth Games England and the Department for Digital, Culture , Media and Sport.

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

A2 Efficiency Measures

Question:

The current budget consultation has a line headed “Efficiency” stating that “services will be required to adopt a range of efficiency measures in order to deliver services at a reduced cost”. This is indicated as a saving of £5.665m annually. Given that a full year saving is proposed for 2018-19, what work has been done to identify how these efficiencies can be achieved, without double counting in-house savings?

Answer:

Each Directorate is continuing to develop specific deliverable proposals to address this saving requirement for inclusion in the budget report to be considered by the City Council on 27th February 2018.

The adoption of these saving initiatives, which are over and above items already set out in the proposed savings programme, will be subject to validation that the necessary processes are in place for their deliverability, and this will be reported to Cabinet on 13th February 2018 before City Council on 27th February 2018.

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

A3 Can't Pay, We'll Take it Away

Question

On the 19 December 2017, staff working in the council house were informed that High Court Enforcement Officers were in the building taking an inventory of items to settle an outstanding debt apparently owed by the Council. What did this debt relate to and what was the value, including any court fees or bailiff costs?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

On Tuesday 19 December 2017, two enforcement agents attended the Council House, acting under a Writ of Control issued against Birmingham City Council. The Council received no notice of the Writ, or the action in the County Court to which it related, prior to the attendance of these enforcement agents.

It was only subsequent to the 19 December, that the Council was able to ascertain that a private claim had been issued against the Council in Northampton County Court and later transferred to Manchester District Registry, where the Writ had been issued.

It appears that the Courts had sent all notices of the claim to 1 Victoria Square which, as you will be aware, is the building opposite the Council House and which is not owned or controlled by the Council.

Therefore, the Council had no notice of the claim and was denied the opportunity to defend itself prior to the attendance of the enforcement agents. The Council made an urgent application to the Court on 19 December and the Writ of Control was stayed by a Judge in Birmingham approximately 2.5 hours after the Enforcement agents first arrived.

This was not a claim for an unpaid debt owed by the Council. The private individual was seeking the sum of £5,000, which appears to be speculative. The claim is wholly denied by the Council which is currently taking appropriate legal steps to challenge the allegations. The enforcement agents requested fees for themselves of circa £2,200 on 19 December, which the Council avoided because the Writ of Control was stayed.

Unfortunately, before the stay was granted, some equipment had already been seized. The Council is taking steps to recover the seized assets.

This matter is subject to on-going legal proceedings.

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

A4 The Sheriffs are coming

Question

What equipment (and what total value) was taken by High Court Enforcement Officers when they came to the Council House on 19 December to settle an outstanding debt?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

The Council does not agree or accept that any debt is owed.

Equipment taken included 7 Monitors, 4 Desktops, 1 Laptop and 1 Printer with a replacement cost of new devices in the region of £2,652.49.

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

A5 Bailiffs

Question

How many hours of productivity were lost by the confiscation of IT equipment by High Court Enforcement Officers when they visited the Council House on 19 December to settle the outstanding debt?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

No more than 2 hours of productivity was lost on the day as staff were able to continue with reception duties or find alternative equipment.

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

A6 Empty Desks

Question:

How long did it take for the IT equipment confiscated by High Court Enforcement Officers on 19 December to be returned?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

The seized items have not yet been returned.

The Enforcement agency has declined to release them, as the Writ of Control was live at the time when the equipment was seized. However, now that the Writ has been stayed by the Courts, the Enforcement agency is required by law to take care of the equipment and cannot continue with any further action while the stay remains in place.

In the meantime, the Council is now engaged in legal proceedings to resolve the matter.

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

A7 The Sheriffs are coming

Question:

How much notice did the Council receive that High Court Enforcement Officers would be attending the council to seek to settle the debt?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

The Council received no notice. It appears that the claim against the Council and any subsequent notices, were sent to 1 Victoria Square, which is not a building owned or occupied by the Council. The Council was denied the opportunity to defend itself against this action.

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

A8 Who owns IT

Question:

Does the IT equipment confiscated by High Court Enforcement Officers belong to the Council or to Service Birmingham and if Service Birmingham, does the confiscation comply with the SB contract?

Answer:

The equipment belongs to the Council.

Regarding the incident on 19 December, it was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR RANDAL BREW**

A9 The cheque's in the post

Question

How many court actions have been taken against the council for non-payment of debt in the last 12 months?

Answer:

None as far as I am aware.

Regarding the incident on 19 December, it was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

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

A10 Data Protection

Question:

As a result of the action taken by the bailiffs in removing IT equipment was there any data protection breach or loss or compromised confidential and/or sensitive information?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

All of the equipment seized is fully password protected and is data encrypted, so that no information belonging to BCC could be accessed, even if someone attempted to use these machines.

We are however confident this would not happen, because the Enforcement agents are required by law to take care of the equipment while it is under their control.

The act of having equipment seized by persons acting under a Writ is not in itself a breach of data protection law.

In any event, the Council is undertaking necessary steps, through the courts, to recover its equipment.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR LYN COLLIN**

A11 Reminders

Question:

How many requests, reminders or notices did the Council receive in relation to the unpaid debt that brought the High Court Enforcement Officers to the Council House before the High Court notice was issued?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

The Council received no notices in relation to the claim for unpaid debt as notices were sent to 1 Victoria Square and not to the Council House.

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

A12 Beat the Bailiffs

Question

From first receiving the claim for payment to the moment High Court Enforcement Officers attended the Council House to confiscate equipment, what steps did the Council take to either settle or dispute the money owed?

Answer:

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

The Council received no notice of the claim prior to the attendance of the enforcement agents on Tuesday 19 December 2017. It therefore had no opportunity to dispute the claim.

On the attendance date, the Council acted swiftly and obtained a stay of the Writ of Control within approximately 2.5 hours.

The Council is currently undertaking steps to challenge the claim, which it denies and the matter remains subject to on-going proceedings.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR PETER DOUGLAS OSBORN**

A13 Credit Rating

Question:

Will the presence of High Court Enforcement Officers taking an inventory of assets of the Council for debt purposes affect our credit rating as a Council?

Answer:

The actions of High Court Enforcement Officers will not impact upon the credit rating of the Council.

It was disgraceful that before the facts of the matter could be ascertained, the leader of the Conservative group rushed out a series of inaccurate social media messages.

- He claimed incorrectly that the High Court Enforcement Officers were acting on behalf of a supplier regarding an unpaid bill.
- He claimed incorrectly that the council would have been contacted at least five times before the arrival of the bailiffs.
- He claimed incorrectly that the events of 19 December only became public as a consequence of press enquiries. In fact the issue became public because Cllr Alden irresponsibly chose to broadcast a factually incorrect version of events in a bid to make political gain.

His ill-judged actions inferred that council officers had failed to pay a supplier on time at a time of year when cashflow can be difficult for many businesses. He also inferred that legal officers had not adequately carried out their duties.

I note that the ill-judged tweets are still online and would urge Cllr Alden to delete them.

I would also urge him to apologise to council officers for the inaccuracies found in those tweets.

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

A14 Immediate Implementation

Question:

Listed by each month since 2012 how many Key Decisions including the title and CMIS reference number of the decision have been made for immediate implementation (i.e. not subject to call-in)

Answer:

The attached schedule sets out the information requested from June 2015. It has not been possible to provide the full information requested as far back as 2012.

The information is accessible through email notifications of decisions sent to all Members and also the Committee Management Information System (CMIS).

However, CMIS has only been in existence since June 2015 and emails over three months old can only be accessed through archives.

Decisions prior to June 2015 were transferred to CMIS from the old Democracy in Birmingham system and have to be opened individually. It would be possible for Councillor Robert Alden to undertake his own research for the period prior to June 2015 records on CMIS on his own computer. However, that would take considerable time to complete.

Title	CMIS ref. number	Decision Maker	Public/ Private	Contact Officer	Date of Meeting
Service Birmingham B1 Accommodation Move (Emergency Executive Report)	000258/ 2015 000058/ 2015	Cabinet	Public Private	Nigel Kletz	24/06/2015
Supplier Excellence Programme (SEP) – Full Business Case	002671/ 2016	Cabinet	Public	Mohammed Zahir	15/11/2016

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Waste Management Services	004515/2017 004516/2017	Cabinet – Special Meeting	Public and Private	Jacqui Kennedy	24/11/2017
Commonwealth Games 2022	004633/2017 004634/2017	Cabinet	Public and Private	Steve Hollingworth	08/12/2017
Budget 2018 + Consultation	004430/2017	Cabinet	Public	Mike O'Donnell	12/12/2017

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM
COUNCILLOR PAUL TILSLEY**

B Suspended Employees

Question:

It is noted that the Council has suspended 330 employees over the last 5 years. Could Cllr Brigid Jones advise the Council of the total cost of these suspensions, the longest suspension, and total financial cost including settlement agreements and days lost?

Answer:

Unfortunately the level of detail required to respond to the question regarding costs has not been recorded.

The longest suspension was 581 days.

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

C SEND Tribunals

Question:

How much did the Council spend on unsuccessful SEND tribunals in 2016/17 (i.e. appeals won by the parents at appeal or conceded by the Council ahead of tribunal) including legal costs, management and staff time, mediation services, specialist professional time and administration costs.

Answer: Estimated associated costs of 155 upheld, withdrawn or LA conceded appeals during 2016/17 is £426,250.

Rationale: During the performance year 2016/17, **175** Appeals were registered with SENDIST.

Out of the appeals registered:

- 15 appeals were upheld by SENDIST
- 91 appeals were withdrawn by parents
- 49 appeals were conceded by the LA

- **155** appeals upheld, withdrawn or conceded

In terms of applying associated average costs to **each appeal (in any event)**, the following involvement of Officers and partners has been taking into account:

- | | | |
|------------|---|-------|
| • 4 days | Dispute Resolution/Tribunal Lead | £650 |
| • 1.5 days | Strategic Lead | £325 |
| • 2.5 days | Professional Witness (average 2 per case) | £1250 |
| • 1 day | Principal Officer | £165 |
| • 0.5 day | Area Team Manager | £105 |
| • 1 day | Administrative Officer | £75 |

Estimated associated cost per appeal	£2570
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Answer: Estimated associated costs of 30 mediation sessions during 2016/17 is £37,500.

Rationale: For each appeal registered consideration must be given by the appellant to the Mediation process (with the exception of solely Part 4 and Section I appeals).

During this same period (performance year 2016/17) **30** mediation sessions were requested by parents who were considering formal appeal to SENDIST.

Out of the mediation sessions held:

- 14 sessions resolved issues of dispute without the need to progress to formal appeal to SENDIST

In terms of applying associated average costs to **each mediation session (in any event)**, the following involvement of Officers and partners has been taking into account:

• 1 day	Dispute Resolution/Tribunal Lead	£165
• 0.5	Principal Officer	£80
• 0.25 day	Area Team Manager	£55
• 1 day	Mediation Session (West Midlands Framework)	£950
Estimated associated cost per mediation		£1250

The Inclusion Commission which had independent partnership representation as well as parental representation reported to Cabinet in December 2017 and has proposed a new way forward for SEND. I will be monitoring progress very closely.

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

D1 Confusion Rules Supreme

Question:

At full council you stated that in some instances where it was known whole streets had missed more than 3 green waste collections, then an offer of a free service for a year has been offered.

Can you please provide us with a list of the streets that have received this offer and can you also provide us with a list of all other locations where residents/individuals have been offered a "free year"?

Answer:

There are no records of reports where a whole street has been missed on 3 consecutive occasions. Individual customers have received the offer of a free service in 2018, where they have reported 3 or more consecutive missed garden collections as per the terms and conditions.

Due to data protection legislation I am unable to provide a list of where residents / individuals have been offered a 'free year'. However for information, of the 65,525 customers who subscribed to the 2017 season, approximately 2495 customers will be offered the service for free in 2018.

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

D2 Waste Contractors

Question:

What was the start and end date of each of the contracts entered into with waste contractors to provide collection services as part of the mitigation for this summer's bin strike?

Answer:

1. Clearabee

Started: 15 August 2017

Ended: 17 November 2017

2. FCC

Started: 15 August 2017

Ended: 27 October 2017

3. Suez

Started: 15 August 2017

Ended: 6 October 2017

4. Urbaser

Started: 7 August 2017

Ended: 6 October 2017

5. Waste Collection.com

Started: 15 August 2017

Ended: 14 December 2017

6. Ricketts

Already a contractor used by the service however resource increased 28 July and reduced on the 22 September.

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

D3 Waste Contractors Cost

Question:

What was the total cost of each of the contracts entered into with waste contractors to provide collection services as part of the mitigation for this summer's bin strike?

Answer:

The Council has made provision within the existing corporate resources and reserves to fund the expenditure that was incurred on the contingency plans for collecting the waste during the summer industrial action. The cost of those contracts is set out below:

	£'000
1. Clearabee	380
2. FCC	184
3. Suez	68
4. Urbaser	600
5. Waste Collection.com	1,100
6. GM Spriggs	60

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

D4 Waste Prevention Officers

Question:

What formal consultation took place and when with the waste prevention officers whose roles are being merged with those of the Leading Hands to create the new Grade 3 roles within the waste collection service?

Answer:

Cabinet approved the 2018 Budget consultation report on 12 December 2017. Consultation will commence with those affected as part of that Budget consultation and formal consultation will commence once the budget has been approved by City Council in February.

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

D5 Fly Tipping

Question:

For each year since 2012 what percentage of total waste arising has come from fly tipped waste?

Answer:

The tonnage of “fly-tipped” waste is shown in the table below.

YEAR	MUNICIPAL WASTE (TONNES)	FLY-TIPPED WASTE (TONNES)	% OF MUNICIPAL WASTE THAT WAS FLY-TIPPED
2011-12	484,099	5,194	1.07%
2012-13	488,868	7,127	1.46%
2013-14	493,554	5,683	1.15%
2014-15	485,505	2,284	0.47%
2015-16	491,199	2,070	0.42%
2016-17	496,167	623	0.13%

Please note: From 2014-15 the method of recording fly tipped waste changed from depots estimating how much of the total waste collected was fly tipped waste. To a different system which used designated vehicles / crews to collect fly tipped waste so that weights of the waste could be accurately reported.

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

D6 Contracted waste collectors

Question:

For each contractor engaged as part of the bin strike contingency plan, for each week they have been under contract, how many hours were worked and how much rubbish was collected?

Answer:

1. Clearabee – Contract was per load rather than hours worked
2. FCC – 180 hours per week
3. Ricketts – Contract was a day rate rather than hours worked
4. Suez – Contract was per load rather than hours worked
5. Urbaser – 280 hours per week
6. Waste Collection.com – 504 hours per week

The table below shows the tonnage of waste collected and disposed of by each of the contractors. The individual loads disposed of were assigned to each of the contractors based on the registration of the vehicle tipping the waste.

WEEK STARTING	CLEARABEE	FCC CLEARUP	RICKETTS	SUEZ	URBASER	WASTECOLLECTION	TOTAL
24/07/2017			4.78				4.78
31/07/2017			2.12		256.82		258.94
07/08/2017			26.4	18.36	279.98		324.74
14/08/2017	167.63	143.72	10.86	93.08	378.76	322.06	1116.11
21/08/2017	138.4	109.52	8.04	44.42	315.08	397.12	1012.58
28/08/2017	96.58	105.04	2.58	36.28	215.02	397.74	853.24
04/09/2017	76.42	127.12	11.36	80.36	220.56	592.46	1108.28
11/09/2017	99.48	96.98	7.02	95.76	295.68	984.22	1579.14
18/09/2017	105.34	45.24	7.22	57.38	264.24	903.36	1382.78
25/09/2017	83.02	106.04		48.78	509.64	713.38	1460.86
02/10/2017	59.12	101.24				413.86	574.22
09/10/2017	49.62	35.56				402.26	487.44
16/10/2017	38.36	4.76				611.24	654.36
23/10/2017	23.1	3.92				431.1	458.12
30/10/2017	23.57					422.94	446.51
06/11/2017	31.3					443.98	475.28
13/11/2017	21.5					327.16	348.66
20/11/2017						314.7	314.7
27/11/2017						260.78	260.78
04/12/2017						223.66	223.66
11/12/2017						2.24	2.24
Grand Total	1013.44	879.14	80.38	474.42	2735.78	8164.26	13347.42

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

D7 Extra Resource

Question:

What extra resource/support was provided to depots for waste collections on 1 January 2017 to mitigate for the increased workload resulting from the collection of additional side waste (allowed for due to there being no Christmas Day collections) and to allow for the predictable higher rate of absenteeism that normally occurs on this particular bank holiday?

Answer:

All the resources provided for this period were pre-planned and accounted for within the existing budget. No additional resources were required.

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

D8 Continuity Plan

Question:

What is the Council's business continuity plan for severe weather disruption to the waste collection service and when was this last updated?

Answer:

The Waste Management Business Continuity Plan (Version 5) covers disruption to the service caused by severe weather. The document follows the corporate template and the related section "Disruption to public transport, e.g. snow/extreme cold weather, heavy rain / flooding" contains the following information:

Disruption to public transport, e.g. snow/extreme cold weather, heavy rain / flooding	1. Alternative options / workaround solutions: a. Immediate (first 24 hours) b. short term (a week) c. long term (2 weeks)	This will affect staff getting to Depots: Relocation of staff to alternative Depots/locations to cover as required. Only 'accessible' collections to be made e.g. on Main roads. Snow chains to be issued on request. Suitable PPE to be issued.
	2. Impact on critical function	To ensure all domestic collections are completed as scheduled, each day. However, this will be dependent on the vehicle availability and risk assessments of road. Link to SWP.
	3. Where to access more info if the scenario materialises, e.g. HR, www.birminghamprepared.gov.uk , www.metoffice.gov.uk , local TV and radio, transport providers' websites, etc.	Contact Met Office/Internet for weather updates. Contact National Express for travel updates. Contact Amey to ensure all main roads are gritted, liaise if any in particular in need of re-gritting.
	4. Teleconference options for management team?	Group emails via Outlook, telephone conversations.
	5. Communications Plan for (internal staff and colleagues, external suppliers / stakeholders and public).	Group emails via Outlook Regular communication to staff – staff to contact the Depot to update Managers. Inform Contact centre to advise public Website to be updated. Inform Strategic Director & WM Senior Management Team

The whole 42 page document can be provided digitally on request, should it be required.

This Continuity plan was revised in November 2017 and is due to be reviewed in May 2018, however in light of the impact on service delivery of the severe weather in December it is proposed to bring forward that review to the end of January 2018 as part of the service review and service improvement process.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM CLLR ROGER HARMER**

D9 No Snow - Why Missed Refuse and Recycling Collections?

Question:

During the week of December 17th to 21st there was no snow, no significant ice, no bank holidays and no industrial action. Could the Cabinet Member explain why large numbers of roads throughout the city appear to have missed their refuse or recycling collections on every day of the week?

Answer:

During December we have had a number of significant disruptions due to the bad weather. Snow impacted on collections during the 8th, 11th, 12th and 13th with ice continuing to be an issue for the remainder of that week.

The size of a collection vehicle is 26 tonnes, snow and particularly ice is a major concern. There have been many examples with disastrous consequences when a collection vehicle has lost control. Our Drivers have been fully trained to assess and evaluate each road before entering. This along with people being off over the holidays (cars parked up on narrow roads) has meant access has been difficult to some roads. Although the main roads were gritted many side roads and access to flats had not been gritted and therefore our vehicles were not able to access or accessed very slowly, again causing delays

The impact of being unable to make a large proportion of the 528 000 collections (recycling & domestic) in the week commencing 11 December, had a knock on impact into the following week. Whilst we attempted to catch up and had crews working over the weekend. Where a missed collection wasn't rectified collections during the week commencing 17 December involved taking two weeks' worth of refuse. This severely impacted on the efficiency of each collection crews, each day during this week, which unfortunately resulted in many of the rounds not completing.

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

D10 Recycling - Roads Missed in December

Question:

How many roads have missed at least one recycling collection in the course of December 2017?

Answer:

2315 roads in Birmingham had at least one missed recycling collection in December 2017.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM CLLR ZAKER CHOUDHRY**

D11 Refuse Collections Behind

Question:

Was it wise to allow the service to fall behind on refuse collections in the week from December 17th to 21st, knowing that there were two bank holidays the following week (and the risk of severe weather disruption)?

Answer:

During December we have had a number of significant disruptions due to the bad weather. Snow impacted on collections during the 8th, 11th, 12th and 13th with ice continuing to be an issue for the remainder of that week.

The size of a collection vehicle is 26 tonnes, snow and particularly ice is a major concern. There have been many examples with disastrous consequences when a collection vehicle has lost control. Our Drivers have been fully trained to assess and evaluate each road before entering. This along with people being off over the holidays (cars parked up on narrow roads) has meant access has been difficult to some roads. Although the main roads were gritted many side roads and access to flats had not been gritted and therefore our vehicles were not able to access or accessed very slowly, again causing delays

We tried not to allow the service to fall behind but the impact of not being able to make all of the 528 000 collections (recycling & domestic) in the week commencing 11 December, had a knock on impact into the following week. Whilst we attempted to catch up and had crews working over the weekend, in most cases this involved taking two weeks' worth of refuse which severely impacted on the efficiency of the collection crews during week commencing 17 December 2017.

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

E Costs

Question:

What will the cost be to put in place mitigation related to the strike action taken by the City Council enablement workers to safeguard our older adults who need their care?

Answer:

The Council's primary concern has always been to not only safeguard our older residents but to improve the service and support they receive to remain living independently in the community. Therefore, in the current discussions and negotiations between officers and UNISON, officers are doing everything possible to avoid strike action being taken. However, if it is then it is difficult to place a figure on the cost until the precise nature of the strike action is known.

It is important to acknowledge that there is a historic agreement that industrial action is taken in a way so that service users' care is not disrupted. UNISON has verbally indicated an intention that action will be taken in downtime (i.e. outside of face-to-face care time). Therefore, it is not expected that direct care will be affected.

However, if this situation changes and care were to be affected, officers will commission care from external organisations to safeguard older adults in Birmingham. While there would be a cost to providing this care, BCC has a policy of deducting pay for time taken for industrial action. Further, care can be secured at a lower unit cost than the current Enablement Service, and therefore officers would not be predicting to fund costs outside of the service budget at this time.

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

F1 Grit 1

Question:

On any day in the last 3 months has the Council not had enough grit to cover all roads listed within the winter maintenance plan?

Answer:

No.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR LYN COLLIN**

F2 Grit 2

Question

On any day in the last 3 months has the Council's grit supply fallen below the amount required to grit all routes on the winter maintenance programme at least twice?

Answer:

No.

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

F3 Grit 3

Question

How many deliveries of grit has the council taken in the last 6 months, and on what dates?

Answer:

In the last six months we have received 132 deliveries (individual lorry loads) of rock salt for use in road gritting. These deliveries have been made on 25 different days as follows:

22/09/17

25/09/17

26/09/17

27/09/17

29/09/17

02/10/17

03/10/17

04/10/17

05/10/17

06/10/17

09/10/17

10/10/17

11/10/17

12/10/17

13/10/17

16/10/17

17/10/17

13/12/17

14/12/17

15/12/17

18/12/17

20/12/17

21/12/17

02/01/18

03/01/18

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR PETER DOUGLAS OSBORN**

F4 Grit 4

Question

How many times can the Council grit all routes on the Winter Maintenance programme when the council owned grit store is full?

Answer:

When the grit store is full, based on spread rates between 8g/m² and 20g/m², all routes could be gritted between 57 and 143 times.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR DES FLOOD**

F5 Grit 5

Question:

How many additional grit bin locations, listed individually, have been added to the City in the last 5 years?

Answer:

Over the last 5 years we have added 11 grit bins to the network, at the following locations:

- Laburnum Drive, Sutton New Hall
- Amanda Drive, Stechford & Yardley North
- Booths Lane, Oscott
- Leabrook, Stechford & Yardley North
- Old Farm Road, Stechford & Yardley North
- Seven Acres Road, Northfield
- Westacre, Stechford & Yardley North
- Yardley Fields Road, Stechford & Yardley North
- Brooklands Road, Hall Green
- Kirkwood Avenue, Erdington
- Colesbourne Avenue, Brandwood

Grit bin locations are assessed against the pre-defined criteria, set-out in the Winter Maintenance Plan. This is in line with the Winter Maintenance Policy adopted by the Council in 2010.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR ANDREW HARDIE**

F6 Grit 6

Question:

How many additional roads, listed individually, have been added to the City's routine gritting list in the last 5 years?

Answer:

Over the last 5 years we have added 29 roads, listed below:

- Spitfire Island Sliproad (Fort Parkway to Chester Road)
- Spitfire Island Sliproad (Chester Road to Fort Parkway)
- Haden Circus Sliproad (Belgrave Middleway to Highgate Middleway)
- Paradise/Summer Row (Into City Only)
- Upper Sutton Street (Park Lane to Victoria Road)
- George Street
- Paradise Circus (Great Charles Street to Suffolk Street Queensway)
- Bull Street (Temple Row to Corporation Street)
- Bordesley Circus Centre
- Aston Bridge
- High Street, Erdington (Wood End Lane to York Road)
- Barnabus Road
- Whitecroft Road (Shepherd Road to Cranes Park Road)
- Temple Row (Needless Alley to Bull Street)
- Wellington Street (Franklin Street to Winson Green Road)
- Dogpool Lane (Cecil Road to Dad's Lane)
- Water Street (Old Snow Hill to Livery Street)
- Bell Barn Road (Colbrand Grove to Alfred Knight Way)
- Alfred Knight Way (Bell Barn Road to Longleat Avenue)
- Longleat Avenue (Alfred Knight Way to Wheeley's Lane)
- Harvest Fields Way (Scarecrow Lane to Worcester Lane)
- Mole Street
- Preston Avenue (Sir Alfreds Way to Sir Alfreds Way)
- Alderflat Place
- Mainstream Way (Alderflat Place to Saltley Road Island)
- Ashurst Road
- Orton Avenue (Ashurst Road to Plants Brook Road)
- Plants Brook Road (Orton Avenue to Westlands Road)
- Westlands Road

Additions and removals to or from the priority treated network are considered annually to respond to changes in road layout or traffic conditions (including reintroductions following temporary closures) using the criteria set-out in the Winter Maintenance Plan, adopted by the Council in 2010.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR TIMOTHY HUXTABLE**

F7 Grit 7

Question:

How many grit bin locations, listed individually, have been removed from the City in the last 5 years?

Answer:

Over the last 5 years we have removed 7 Grit Bins from the network, listed below:

- St. Phillips Churchyard x4 (Removed in agreement with BCC City Centre Manager as Cathedral paths are gritted by quad bike gritters)
- Lordswood Road x 2 (Removed due to closure of subway)
- Old Horns Crescent (Removed due to Old Horns Crescent being on the priority treated network - Route 17)

Grit bin locations are assessed against the pre-defined criteria, set-out in the Winter Maintenance Plan. This is in line with the Winter Maintenance Policy adopted by the Council in 2010.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR SIMON JEVON**

F8 Grit 8

Question:

How many roads, listed individually, have been removed from the City's routine gritting list in the last 5 years?

Answer:

Over the last 5 years we have removed 13 roads, listed below:

- Bull Street (Colmore Circus Queensway to End of Platform) (Metro only, No Vehicles)
- Hurst Street (Thorp Street to Smallbrook Queensway) (BCC Closure)
- Parade (Paradise Circus works)
- Paradise Circus Queensway (Great Charles Street to Great Charles Street) (Paradise Circus works)
- Paradise Circus Queensway (Great Charles Street to Paradise Street) (Paradise Circus works)
- Metchley Park Road (Permanent closure)
- Mindelsohn Way (Metchley Park Road to Metchley Lane) (Private - QE Hospital)
- Holford Drive (Gavin Way to Holford Way) (Private Road)
- Holford Way (Holford Drive to Brookvale Road) (Private Road)
- Sir Alfreds Way (Preston Avenue to Preston Avenue) (Bus Route 108 – altered service)

Additions and removals to or from the priority treated network are considered annually to respond to changed circumstances, using criteria set-out in the Winter Maintenance Plan, adopted by the Council in 2010.

**WRITTEN QUESTION TO THE CHAIR OF ERDINGTON DISTRICT COMMITTEE
FROM COUNCILLOR JON HUNT**

G Attendance at cabinet committee and local leadership (3)

Question:

Could the Chair report their attendance at cabinet committee and cabinet committee local leadership in the current municipal year, including meetings for which they have sent apologies?

Answer:

I have put in apologies to the last few Cabinet Committee Local leadership meetings, having attended one on 28 June 2017.

I have not been attending Cabinet, since, in my opinion, the role of a District Chair now is to primarily work with community organisations, so working with community organisations to bring extra value to Erdington is where I focus my attention.

**WRITTEN QUESTION TO THE CHAIR OF HODGE HILL DISTRICT COMMITTEE
FROM COUNCILLOR ZAKER CHOUDHRY**

H Attendance at cabinet committee and local leadership (2)

Question:

Could the Chair report their attendance at cabinet committee and cabinet committee local leadership in the current municipal year, including meetings for which they have sent apologies?

Answer:

Unfortunately due to ward commitments and ill health I have not found it possible to attend any Cabinet or Cabinet Committee Local Leadership meetings this municipal year.

**WRITTEN QUESTION TO THE CHAIR OF LADYWOOD DISTRICT COMMITTEE
FROM COUNCILLOR MORRIAM JAN**

I Attendance at cabinet committee and local leadership (1)

Question:

Could the Chair report their attendance at cabinet committee and cabinet committee local leadership in the current municipal year, including meetings for which they have sent apologies?

Answer:

I have attended all 5 Local Leadership Cabinet Committee meetings, and 2 out of the 8 Cabinet meetings held in 2017.

REPORT OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE**CONSTITUTIONAL CHANGES**

Council Business Management Committee considered a report relating to changes to the City Council's Constitution.

The proposed amendments are:

1. To discontinue the District Committees and the role of Executive Members for Local Services (District Committee Chairs) and enhance the role of Ward Forums.

Appendix 1 sets out the proposed amended description of Ward Forums, which now refers only to Ward Forums and not to District Committees, to replace the sections headed "District Committees" and "Ward Forums" on pages 52-54 of the Constitution;

Appendix 2 sets out the proposed revised terms of reference for Ward Forums, to replace the section headed "Terms of Reference for Districts and Wards" on pages 132-135 of the Constitution. This now sets out the terms of reference for Ward Forums alone and not for District Committees. Ward Forums cannot be constituted as single member wards. CBM will bring forward further proposals for arrangements for ward forums post-May 2018.

Appendix 3 sets out other consequential amendments to the Constitution, including removing references to District Committees in other sections of the Constitution and removing reference to Ward Forums under Executive processes, as these bodies do not have Executive decision-making authority.

2. To remove the Cabinet Committee Local Leadership Committee from the Council's Executive governance arrangements (as agreed by Cabinet on 12th December 2017).

Appendix 3 sets out the consequential amendments to the Constitution, removing references to Cabinet Committee Local Leadership.

3. To enable the appointment of Cabinet Advisers.

Appendix 3 sets out the consequential amendments to the Constitution, inserting a new section entitled "Cabinet Advisers" on page 27.

For ease of reference, Appendix 3 shows the new additions as highlighted and the deletions show the text crossed through.

It is recommended that City Council agrees and adopts the revisions set out above and that the City Council's Constitution be amended accordingly.

MOTION

That the Council adopts the following changes to its constitution:

- To discontinue the District Committees and the role of Executive Members for Local Services (District Committee Chairs) and enhance the role of Ward Forums;
- To remove the Cabinet Committee Local Leadership from the Council's Executive governance arrangements;
- To enable the appointment of Cabinet advisers;

and authorises the City Solicitor to implement the changes to the Constitution set out in the Appendices with immediate effect.

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	City Solicitor
Date of Meeting:	22 January 2018
Subject:	AMENDMENTS TO THE CITY COUNCIL'S CONSTITUTION
Wards affected:	ALL

1. Purpose of report:	
1.1	This report presents proposed changes to the City Council's Constitution for approval at the February 6 th meeting of the Council.
1.2	<p>The proposed amendments have the effect of:</p> <ul style="list-style-type: none"> • Discontinuing the District Committees and the role of Executive Members for Local Services (District Committee Chairs) and enhancing the role of Ward Forums; • Removing the Cabinet Committee Local Leadership Committee from the Council's Executive governance arrangements (as agreed by Cabinet on 12th December 2017); • Enabling the appointment of Cabinet advisers.

2. Decision(s) recommended:	
2.1	CBM to agree that the proposed amendments to the Constitution set out below and in Appendices 1 to 3, be presented to the next meeting of the City Council for approval.

Contact Officers:	<p>Catherine A. Parkinson Interim Assistant City Solicitor and Monitoring Officer 0121 303 8217 catherine.parkinson@birmingham.gov.uk</p> <p>Tony Smith Policy Executive 0121 303 4550 tony.smith@birmingham.gov.uk</p>
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3. Relevant background/chronology of key events.	
3.1	<p>The model of devolution involving localisation of service budgets and political oversight to district committees, through a range of models suited to different services became operational in May 2004 following two years of planning and policy development. Aspects of the approach, such as the service level agreements used to oversee some services, have proved problematic since the start. Resource reductions since 2011/12 have placed an increasing pressure on this model, with specific services being effectively recentralised and dedicated resources for the districts being steadily eroded. Some districts struggled to operate within reduced budget envelopes.</p>

- 3.2 The Kerslake report in December 2014 noted that the existing arrangements were “not sustainable” and suggested that if the districts were continued at all then they should no longer have service budgets or management roles and instead focus on public engagement, community leadership and “scrutiny”. In response to this the role of District Committees was redefined and service budgets recentralised in May 2015. This included a stronger emphasis on community leadership and an informal scrutiny role (Neighbourhood Challenge).
- 3.3 A supplementary submission by the Executive to the Boundary Commission on its review of ward boundaries in June 2015 set out how the future role of the Council might develop in the years ahead including alternatives to the district model.
- 3.4 In May 2016 Council approved the creation of the four Assistant Leader roles and the Cabinet Committee Local Leadership to oversee the transition to a new approach during the interim phase to boundary changes in May 2018. It was stated in the report of the Independent Remuneration Panel that the role of Executive Members Local Services (District Committee Chairs) would be discontinued in due course.
- 3.5 The Assistant Leaders have been working with councillors from all parts of the city and across all three parties to develop proposals for the way ahead. An interim presentation was made to the Cabinet Committee Local Leadership in April 2017, confirming the intention to bring about a shift from a district to a ward focus.
- 3.6 In July 2017, following further work with the Leader, Assistant Leaders and key cabinet members, the Corporate Director Place brought a paper to the Cabinet Committee Local Leadership setting out further details on how the evolution of devolution within the city would proceed during 2017/18 and into 2018/19. This included the proposal to wind up the District Committee arrangements.

District Committees

- 3.7 The proposed changes move the City Council’s local democratic arrangements on to the next phase of the process of change outlined above. This will involve many changes which are not of a constitutional nature and therefore not covered by this report, for example the member development programme to strengthen members’ ability to carry out a community leadership role, new arrangements to support ward based working and ward planning and arrangements to ensure that initiatives in areas such as employment and skills and wellbeing are taken forward at a level above the ward but below the city.
- 3.8 The changes are also intended to be an evolution through stages rather than a sudden leap forward. Preparations will be made for the next step of changes to the new ward boundaries in May 2018, ensuring that the Council deploys resources effectively and uses savings from the abolition of the district arrangements to improve support at the more local level. These arrangements will mean that there is not a “step into the void” following the discontinuation of the districts.
- 3.9 Appendix 1 is a replacement for the text on Districts and Wards at pages 52-54 of the constitution which now refers only to Ward Forums and not to District Committees.

- 3.10 Appendix 2 is a replacement for the Terms of Reference for District Committees and Ward Forums at pages 132-135 of the constitution, which now sets out the terms of reference for Ward Forums alone and not for District Committees. Some of the broad roles of District Committees, such as producing local plans setting out the priorities for the local area, promoting service integration and making representations to executive and scrutiny functions will now be part of the remit of the Ward Forums.
- 3.11 Appendix 3 sets out the other consequential changes to various pages of the constitution (extracts). These are presented as tracked changes.
- 3.12 Further proposals will be brought forward for arrangements for ward forums post-May 2018.

Cabinet Committee Local Leadership

- 3.13 On 12th December 2017, Cabinet agreed to the removal of the Cabinet Committee Local Leadership Committee from the Council's Executive governance arrangements on the basis that in future ongoing development of devolved community governance will be determined by Cabinet. Specifically Cabinet agreed:
- To remove Cabinet Committee Local Leadership from the Council's Executive governance arrangements with effect from 21st December 2017;
 - That the City Solicitor and Monitoring Officer sets out all relevant changes to the Council's Constitution at the next meeting of Council Business Management Committee and Full Council thereafter in order to enact the decision above;
 - To note that ongoing development of devolved community governance ("Evolution of Devolution") will be determined by Cabinet and/or a Cabinet Member.
- 3.14 Appendix 3 sets out the consequential changes to various pages of the Constitution (extracts). These are presented as tracked changes.

Cabinet Advisers

- 3.15 At the last CBM meeting in December, the Leader notified the Committee of his intention to bring forward proposals to enable the appointment of Cabinet advisers.
- 3.16 Cabinet Advisers will be a new role, and will be appointed to support Cabinet Members. The positions will not be paid and will not have any delegated decision-making authority. Cabinet Advisers will be invited to attend Cabinet as required.
- 3.17 Appendix 3 sets out the consequential changes to the Constitution (extracts). These are presented as tracked changes.

Signature: C.A.Parkinson

**On behalf of
Chief Officer:
KATE CHARLTON, CITY SOLICITOR**

Appendix 1

Text for insertion (replacement) at pages 52-54 of the constitution

Ward Forums

Ward Forums will be constituted to encourage and facilitate dialogue between the Council and local people within their area. Cabinet has assigned roles to the Ward Forums.

Meetings

Councillors may appoint a councillor as Chair of their Ward Forum.

Ward Forums will have a leadership responsibility for 'place' matters within their ward including:

- Production of a Ward Plan setting out locally determined priorities and issues;
- Working closely with the Assistant Leaders to advance the council's policies on local leadership and with other Ward Forums to progress issues across a larger geographical area;
- Working closely with appropriate officers to ensure services are responsive to local needs and priorities.

Establishment and dissolution

The Council will establish (or dissolve) Ward Forums on the recommendation of the Council Business Management Committee.

Appendix 2

Terms of Reference for Ward Forums

THE ROLE AND PURPOSE OF WARD FORUMS IS MORE PARTICULARLY SET OUT WITHIN THE “TERMS OF REFERENCE” BELOW. THE TERMS OF REFERENCE ARE SUBJECT TO AMENDMENT BY CABINET OR BY COUNCIL BUSINESS MANAGEMENT COMMITTEE, AS APPROPRIATE, TO REFLECT THE EMERGING SHAPE OF THE FUTURE COUNCIL.

TERMS OF REFERENCE FOR WARD FORUMS

Principles

The City Council is committed to the retention and the on-going development of its devolved approach to community governance, given the scale, size and diversity of challenges, opportunities and needs across the city.

The operation of new arrangements at the ward level must be consistent with the new resource framework for local governance and services, with a dramatic reduction since the council introduced its devolved arrangements over ten years ago. This means that the support and administration of the refined model needs to take account of this and focus on the key priority of protecting front line service delivery, whilst also helping to shape new approaches to service delivery at a local level through partnership working and co-production.

The new model demands a particular set of cultural, organisational and individual behaviours, values and technical competencies. A key priority for its future operation is to shape a systematic, whole organisation approach to getting this right.

The roles of ward forums

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 Ward Litter Plans or Neighbourhood Tasking meetings).

In conjunction with the relevant Cabinet Members and Assistant Leaders, the role of Ward Forums is to:

1. Adopt and approve a Ward Plan
2. 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)
3. 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

4. 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
5. 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
6. 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
7. Develop and support the community leadership role of councillors and others in the area. This includes roles in relation to governance, community planning, local dialogue, partnership, commissioning and accountability
8. Work with appropriate officers to ensure that council services are responsive to local needs and priorities
9. 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, integration and co-ordination of public services in the area and make recommendations to the Executive and to the council's partners as appropriate
10. Work in partnership with all local stakeholders to further the needs and priorities of local residents
11. 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
12. 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
13. To promote and improve the economic, social and environmental well-being of the area

Birmingham City Council Constitution

Adopted: Council Meeting 7th November 2017

Amendments proposed: 6th February 2018

Pages 9 and 10

How the Council operates

The Council is composed of 120 Councillors

<https://www.birmingham.gov.uk/councillors/name>, one of whom is elected as Leader (3 Councillors for each of the City's 40 Wards). 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.

The Leader and 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 Leader appoints the Cabinet which has, as a main role, the task of developing and implementing policy on behalf of the Council. This is made up of Councillors from the controlling party group or groups on 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.

The Council has established ~~Cabinet Committee Local Leadership, District Committees~~, Cabinet Committee Corporate Governance and Ward Forums ~~Ward Committees~~, which provide for public participation, representation and decision making at a local level.

A number of Overview & Scrutiny Committees monitor the decisions of the Cabinet and the implementation of policy. They can also recommend policies to the Cabinet and Council. They allow Citizens to have a greater say in Council matters and are consulted by the Cabinet on developing policies. These Committees are non-executive (not decision making) and 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 reconsider the decision.

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 (similar to courts), 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.

How decisions are made

The Cabinet have 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.

The Council has responsibility for all Non-Executive functions and 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.

Key decisions are made by Cabinet and are published in the Cabinet's Forward Plan in so far as they can be anticipated.

Non-Key decisions are made by ~~District Committees, Cabinet Committee Local Leadership~~, Cabinet Committee-Group Company Governance and jointly by Cabinet Members and Chief Officers.

Council and Cabinet meetings are open to the public, except where personal or confidential matters are being discussed.

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9. Questions

(C) Oral Questions

(1) Questions from Members of the Public

A member of the public may ask one oral question of any Cabinet Member, Assistant Leader, ~~District Committee Chair~~ or Ward Forum Chair by submitting the question in writing to the Chief Executive 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 standing orders.

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ROLES

Members of the Council (Councillors)

Roles and Functions of all Councillors

Key roles:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions for the City Council;
- (ii) contribute to the good governance of Birmingham and actively encourage community participation and citizen involvement in decision making;
- (iii) responsibility to represent the interests of all the residents of the City Council area with special responsibility to the residents of their Ward;
- (iv) respond to constituents' enquiries and representations, fairly, promptly and impartially;
- (v) balance different interests identified within the Ward ~~or District levels~~ and represent the Ward ~~or electoral division as a whole~~;
- (vi) maintain high standards of ethical conduct and behaviour.

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Cabinet Members

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 on District Committees~~ and Ward Forums.

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:

- they resign from Office or if they are dismissed, either collectively or individually, by the Leader of the Council; or
- they are disqualified from being Councillors (although they may resume office at the end of the period of disqualification).

Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

- they otherwise leave or are required to leave office.

Individual Cabinet Members have delegated authority jointly with Chief Officers in respect of all executive decisions and virements between the Chief Officer limit of £200K and £500K (revenue) and £1M (capital).

The functions of individual Cabinet Members are set out in each Cabinet Member Portfolio.

FOR INSERTION ON PAGE 27:

Cabinet advisers

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.

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Assistant Leaders

The Leader of the Council will set clear success criteria and outcome targets for the Assistant Leaders and the Cabinet Committee, for approval by the Cabinet and these will be monitored alongside officer work programmes to ensure the work remains on track and delivers a successful transition to future arrangements.

The strategic role of the Assistant Leaders will be to:

- Provide leadership to policy development as directed by the Leader and working in conjunction with Cabinet Members, with the aim of realising the full potential of city policies for Place – making a difference in all Birmingham neighbourhoods. This will include the strategic priorities of Local leadership, Every Place Matters (regeneration and investment outside the city centre) and A Better Deal for Neighbourhoods (improving local services)
- Drive forward the review of devolved arrangements within the city and the successful transition to the post 2018 environment as directed by the Cabinet and the Leader.

Within their area of the city Assistant Leaders will:

- Promote and support changes to the practice, culture and capabilities underpinning the role of “front line councillor”
- Shape and support local partnership working and engagement with communities and local stakeholders

Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

- Shape neighbourhood governance and neighbourhood delivery plans working alongside **local councillors. District Committee Chairs**
- Ensure that arrangements are in place to move **beyond the districts model forward** whilst capturing the learning and the partnerships developed in previous years and supporting the role and contribution of all local councillors
- Ensure that local issues and innovations are reflected in strategic decision making with regard to Local Leadership, Every Place Matters and A Better Deal for Neighbourhoods.

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2. CABINET PORTFOLIOS

Cabinet Member for Jobs and Skills

A successful city is one that has a highly skilled workforce, with access to quality skills and training, to ensure that the learning opportunities within Birmingham are providing for the present and future skills needs of the city, working with the **Executive Members for Districts local areas** where appropriate.

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3. MEETINGS ADMINISTRATION

3. Council Standing Orders

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 - and <u>no</u> presentations.	2.00 – 2.10 p.m.
Lord Mayor's Annual report (AGM only)	15 minutes	
Petitions A schedule of outstanding petitions will be available electronically	15 minutes	2.10 – 2.25 p.m.
Question time	90 minutes	2.25 – 3.55 p.m.

Appendix 3: Changes to Constitution removing reference to Cabinet Committee
Local Leadership, District Committees and inserting reference to Cabinet Advisers

Questions from members of the public to any Cabinet Member, Assistant Leader, District Committee Chair or Ward Forum Chair.	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair. Each Councillor may ask only one question. No supplementary questions.	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from Councillors other than Cabinet Members and Assistant Leaders to a Cabinet Member or Assistant Leader. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Questions from Councillors other than Cabinet Members and Assistant Leaders to the Leader or Deputy Leader. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Appointments	5 minutes	3.55 – 4.00 p.m.
Policy Plans or Reports from CBM	15 minutes	4.00 – 4.15 p.m.
Adjournment Break	30 minutes	4.15 – 4.45 p.m.
Overview & Scrutiny Committee reports	60 minutes	4.45 – 5.45 p.m.
Motions submitted by individual Councillors rotated equally between the political groups as determined by CBM	90 minutes If a meeting has not been concluded by 7.15pm any remaining motions or amendments will be moved and seconded formally (without comment) and be put to the vote without discussion.	5.45 – 7.15 p.m.

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4. MEETINGS

Cabinet

Cabinet comprises of ten Councillors, including the Leader and Deputy Leader, as follows:

- [Leader](#)
- [Deputy Leader](#)
- Cabinet Member – [Children, Families and Schools](#)
- Cabinet Member – [Commercialism, Commissioning and Contract Management](#)
- Cabinet Member – [Transport and Roads](#)
- Cabinet Member – [Clean Streets, Recycling and Environment](#)
- Cabinet Member – [Health and Social Care](#)
- Cabinet Member – [Housing and Homes](#)
- Cabinet Member – [Jobs and Skills](#)
- Cabinet Member – [Community Safety and Equalities](#)

In addition to taking "key decisions", Cabinet will also consider:-

- (a) 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;
- (b) Other decisions which are considered by the Leader of the Council to have significant cross-cutting or corporate implications; and
- (c) Any Cabinet, Cabinet Members jointly with Chief Officers, Cabinet Committee or District Committee, Ward Forum decision(s) 'called-in' by any Overview & Scrutiny Committee.

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Non-Cabinet Members attending 'Private Sessions' of Cabinet meetings

- (a) 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.
- (b) 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'.
- (c) The ~~Chairs of all District Committees and~~ Assistant Leaders shall be entitled to attend Cabinet meetings and to remain and participate during the deliberations of the Cabinet during any of its 'Private Sessions'.

Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

The Terms of Reference relating to ~~District Committees and~~ Ward Forums can be found here.

Executive decisions, whether taken by Cabinet, Cabinet Members jointly with Chief Officers, ~~District Committees, Ward Forums~~ or Chief Officers alone where delegated to them by Cabinet or in any case where the value exceeds £200k, shall all only be taken based upon written reports with a completed checklist in the approved form and after advice from the Monitoring Officer and Chief Finance Officer.

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Cabinet Committees

~~Cabinet Committee Local Leadership~~

~~This Cabinet Committee will be established by the Cabinet with the following membership:~~

- ~~• The Leader~~
- ~~• Another Cabinet Member as deemed appropriate by the Leader~~
- ~~• The Leaders of the official opposition party and the next largest opposition party~~
- ~~• The Chairs of the District Committees~~
- ~~• Four Assistant Leaders~~
- ~~• Assistant Leaders will be able to attend meetings of the Cabinet but will not have a right to vote on any item of Cabinet business.~~

~~The quorum for the Committee shall be six and this number must include both of the Cabinet Members and one of the Leaders of the opposition groups as well as one of the Assistant Leaders.~~

~~The Committee will include four Councillors designated as Assistant Leaders. These councillors will be charged with taking forward the agenda of the Cabinet Committee Local Leadership between meetings, under the management of the Leader of the Council. They will not have decision making powers independently of the Committee. They will each be responsible for an area of the city, to be specified by the Cabinet.~~

~~(i) — These terms of reference are subject to change by Cabinet as and when necessary to reflect the changing shape of the devolution and Future Council agenda. The City Council is committed to the ongoing development of devolved community governance through a process of reviewing devolved ways of working and considering new innovations; it is recognised that further devolution is necessary given the scale, size and diversity of challenges, opportunities and varied needs across the city.~~

~~(ii) — The Cabinet Committee will conduct a review of the existing devolved arrangements consulting and engaging with the community, other stakeholders and Members. During the period of review local areas will be supported in bringing forward and piloting new ways of working in relation to devolved arrangements; the~~

Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

~~Cabinet Committee with the Assistant Leaders will support, oversee and evaluate the new ways of working for potential wider use within the City.~~

~~(iii) The Cabinet will set out the detailed coverage of this review, but it will include assessing the effectiveness of all existing arrangements for local engagement and partnership working, preparations for the new ward arrangements to be introduced in 2018 and new ways of working such as parish councils.~~

~~(iv) The Assistant Leaders with the Cabinet Committee will play a leading role in taking forward the following council strategic priorities:~~

- ~~• Local Leadership — conducting the review set out above at paragraphs (ii) and (iii) and reporting to Full Council and Cabinet as appropriate~~
 - ~~• Every Place Matters — overseeing the development of area focused policies and programmes to address inequalities between areas of the city~~
 - ~~• A Better deal for Neighbourhoods — the committee will work to improve services in neighbourhoods and responsiveness to local communities and individual service users and to support local initiatives to improve the environment and street scene~~
 - ~~• Supporting local councillors — through the devolution process~~
 - ~~• Fostering and applying new approaches to local leadership.~~
-

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Overview and Scrutiny Committees

Conflicts of interest – Membership of Overview and Scrutiny Committees and District and Ward Forums

- (a) If an Overview and Scrutiny Committee is scrutinising specific decisions in relation to the business of the ~~District Committee and / or~~ Ward Forum 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.
- (b) Where, however, the Overview and Scrutiny Committee is reviewing policy matters, generally, as opposed to a specific decision of the ~~District Committee and/or~~ Ward Forum, the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

Overview and Scrutiny Work and Non-Executive Committees

- (a) Overview and Scrutiny Committees are only permitted by law to scrutinise the Executive decisions of the council – Cabinet, Cabinet Committees, Cabinet Members, ~~District and~~ Ward Forums, and officers.
- (b) In terms of the Regulatory Committees, these carry out quasi-judicial 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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“Request for Call-In” and “Call-In”

- (a) When an Executive decision is taken by the Cabinet, Cabinet Member(s) or Chief Officer jointly with Cabinet Members ~~or~~ Cabinet Committees ~~Local Leadership, District Committees or Ward Forums~~, the decision shall be published by electronic means, 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.

...

Call-In Criteria

	<i>(a) Is the Executive decision within existing policy?</i>
1	<i>the decision appears to be contrary to the Budget or one of the ‘policy framework’ plans or strategies;</i>
2	<i>the decision appears to be inconsistent with any other form of policy approved by</i>

Appendix 3: Changes to Constitution removing reference to Cabinet Committee
Local Leadership, District Committees and inserting reference to Cabinet Advisers

	<i>the full Council, the Executive or the Regulatory Committees;</i>
3	<i>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);</i>
	<i>(b) Is the Executive Decision well-founded?</i>
4	<i>the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;</i>
5	<i>the Executive appears to have overlooked some relevant consideration in arriving at its decision;</i>
6	<i>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;</i>
7	<i>the decision appears to be particularly “novel” and therefore likely to set an important precedent;</i>
8	<i>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.</i>
	<i>(c) Has the Executive decision been properly taken?</i>
9	<i>the decision appears to give rise to significant legal, financial or propriety issues;</i>
10	<i>the notification of the decision does not appear to have been in accordance with council procedures;</i>
	<i>(d) Does the Executive decision particularly affect a district ward?</i>
11	<i>the decision appears to give rise to significant issues in relation to a particular district ward.</i>

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List of Committees and Quorums

CABINET / COMMITTEE	No. of Members	Quorum
<u>CABINET</u>	10	4
<u>DISTRICT COMMITTEES</u>	12	6
<u>WARD FORUMS</u>	3	2
<u>SCHOOLS, CHILDREN AND FAMILIES OVERVIEW & SCRUTINY COMMITTEE</u> (contains Governor and Parent representatives)	12 + 4	5
<u>ALL OTHER OVERVIEW AND SCRUTINY COMMITTEES</u>	12	4
<u>PLANNING COMMITTEE</u>	15	5
<u>LICENSING & PUBLIC PROTECTION COMMITTEE</u> (and Sub-Committees)	15 3	5 3
<u>COUNCIL BUSINESS MANAGEMENT COMMITTEE</u> (and Sub-Committees as determined by the Constitution and the Committee)	8	3
<u>TRUSTS & CHARITIES COMMITTEE</u>	8	3
<u>STANDARDS COMMITTEE</u>	11	3
<u>AUDIT COMMITTEE</u>	8	3

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9. STANDING ORDERS RELATING TO CONTRACTS

These amended Standing Orders apply to all new procurement processes which are instituted after **1 March 2016**.

1.0 Application and Interpretation

1.1 Definitions

In these Standing Orders:-

“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.

“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” means a procedure in which any Contractor may request to participate and whereby the Council conducts a dialogue with the Contractors admitted to the dialogue with the aim of developing one or more suitable alternative solutions capable of meeting its requirements and on the basis of which the Contractors chosen by the Council are invited to tender.

“Contract” means a contract for supplies, services, or for the execution of any works and also includes a Framework Agreement. 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 ~~(including any District Committee)~~, or Authorised Officer to whom a function has been delegated in accordance with the Council's Constitution.

“Estimated Total Cost” means the aggregate total cost of the supplies or services to be provided or works to be performed under a Contract estimated prior to its procurement.

“European Directives” means the procurement directives of the European Union and any regulations that implement them within the United Kingdom.

“European List” means a list of Contractors compiled by another contracting authority following the entry into a Framework Agreement, in accordance with European Directives.

“European Threshold” means the threshold applying to local authorities at which supplies and services Contracts are subject to the European Directives.

“Framework Agreement” means a Contract which establishes the terms under which a contractor will enter into contracts with a contracting authority in the period during which the framework agreement applies.

“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.

“Restricted Procedure” means a procedure leading to the award of a Contract where only contractors selected by the Council may submit tenders.

“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.

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11. DECISION MAKING AND KEY DECISIONS

Responsibility for decision making

A record of all decisions over £50k has to be kept, including the name or body having responsibility for making such decisions. The record of public decisions over £200k will be available for inspection by members of the public. The Constitution records those arrangements, so that the public can hold to account the relevant decision-makers.

Principles of decision-making

All decisions of the Council will be made in accordance with the following guiding principles:

- (a) Good decision making involves the realistic evaluation of alternatives and public consultation, including public access to decision-making.
- (b) Under Executive arrangements, decisions may be taken by a range of people and bodies – Cabinet, **District** Cabinet Committees, **Ward Forums** and Chief Officers.
- (c) The following principles of effective decision-making require there to be:-

Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

- (i) legality/power to make decisions;
- (ii) proportionality (i.e. the action must be proportionate to the desired outcome);
- (iii) a proper consideration of available options for action and/or inaction;
- (iv) due consultation and the taking of professional advice from Officers;
- (v) due regard to the public sector equality duty and respect for human rights;
- (vi) a presumption in favour of openness and transparency of decision making;
- (vii) clarity of aims and desired outcomes; and
- (viii) avoidance of conflicts of interest.

Types of decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in the Full Council Policy Framework will be made by the full Council and other non-executive Decisions are delegated to Council Business Management Committee and Regulatory Committees.
- (b) **Decisions reserved to Cabinet and “Key Decisions”**
“Key decisions” must be taken by Cabinet, unless delegated by Cabinet to a Cabinet Member jointly with the Chief Officer or a Chief Officer or Director alone. A decision will be a “key decision” if:
 - (i) it is an Executive decision relating to the discharge of an Executive function
 - (ii) AND is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant:
 - (a) in the case of capital projects, if they involve entering into new commitments and/or making savings in excess of £1M; or
 - (b) in the case of revenue projects, if they involve entering into new commitments and/or making new savings 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 and the decision making has not been delegated to any **Area Committees**
District Committees.
- (c) Decisions by Cabinet Members jointly with Chief Officers – namely all executive decisions between the Chief Officer limit of £200K and £500K (revenue) or £1M (capital).
- (d) Decisions delegated by Cabinet to Executive Members
- ~~(e) Decisions delegated by Cabinet to District Committees~~
- ~~(e)~~ Decisions delegated to Chief Officers
- ~~(f)~~ Emergency Decisions - see Meetings Administration.

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EXECUTIVE REPORTS PROCESS

(applies to Cabinet, Cabinet Committee, ~~District Committee~~
~~and Ward Forums~~, and
Cabinet Member with Chief Officer Joint Reports)

EXECUTIVE REPORTS PROCESS

Context

This process applies to all Executive Reports – Cabinet Reports, Cabinet Member/Chief Officer Joint Reports, ~~and~~ Cabinet ~~and~~ Committee, ~~District Committee and Ward Forum Reports.~~

Immediate Changes

1. The following process will apply to late reports:
 - (a) Committee Services must be advised that a Report is likely to be submitted late before the usual dispatch date for agenda and reports so that these reports can at least be included in the Cabinet/Committee Agenda.
 - (b) **ALL** late reports **MUST** start at the beginning of the report with two separate headings:-
 - (i) REASON FOR LATENESS; and
 - (ii) REASON FOR URGENCY

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/City Solicitor, Cabinet/Committee may postpone consideration of the report as is required by law. Please specifically note that a Reason for Lateness suggesting that there simply has not been enough time to finalise the report for a particular Cabinet is NOT a special circumstance. The Chair of the meeting will decide if special circumstances for lateness do exist as outlined in the heading to the report and proceed if appropriate or otherwise postpone consideration of the report to the next meeting. All late reports must be agreed and

Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

authorised by either the Leader or the Deputy Leader of the Council or the Cabinet Member for Commercialism, Commissioning and Contract Management as advised by the Monitoring Officer/City Solicitor.

2. The Report Checklist (as amended) should be fully completed for all Cabinet; ~~District Committee and Ward Forum~~ Reports. This also applies for Cabinet Member/Chief Officer Joint Reports recording Decisions by them (£200k to £500k (Revenue) or up to £1M (Capital)).

Please note that if the checklist is not submitted, fully completed with names and dates, the report will not go forward.

3. Cabinet reports and Cabinet Member/Chief Officer Joint reports, need to be signed by the relevant Cabinet Member(s) and the Chief Officer; ~~District Committee and Ward Forum Reports need to be signed by the relevant Executive Member or Ward Forum Chair, Cabinet Committee reports by the Chair~~ and the relevant Chief Officer.
4. All reports are to be presented in Arial script and font size 12. Spacing between lines should be 1.5 and 3.0 between paragraphs. The report should preferably not exceed 4 pages for the main text.
5. Members are reminded of their Corporate Parenting responsibility when considering Cabinet reports. You 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. At all times you should be thinking "What does this mean for children in care?" when carrying out council business.
5. If it is proposed to submit a Private Report, approval should be sought from the City Solicitor/Monitoring Officer or their representative at the earliest opportunity and a copy of the Private Report submitted to the Cabinet Member for Community Safety and Equalities and copied to the Cabinet Support Officer.
6. There will be greater emphasis on compliance with deadlines. Colleagues are reminded of the importance of instilling good discipline amongst authors and avoiding late reports. Please send cleared reports with the completed Checklist to Committee Services.
7. Decisions over £200k are only effective and actionable when posted on the Council's website by Committee Services and following the call-in process.
8. Annexed to the Executive Report Process is the Decision Agenda Management Protocol which should be applied by all officers in the writing of Executive Reports.

Revised Report Template for all Executive Reports

BIRMINGHAM CITY COUNCIL

PUBLIC OR PRIVATE REPORT
(not for publication)

Report to:	CABINET or DISTRICT COMMITTEE or WARD FORUMS or JOINT CABINET MEMBER AND CHIEF OFFICER or JOINT EXECUTIVE MEMBER AND CHIEF OFFICER	<i>Exempt information paragraph number – if private report:</i>
Report of:		
Date of Decision:		
SUBJECT:		
Key Decision: Yes / No	Relevant Forward Plan Ref:	
If not in the Forward Plan: (please "X" box)	Chief Executive approved O&S Chair approved <input type="checkbox"/>	
Relevant Cabinet Member(s) or Relevant Executive Member:		
Relevant O&S Chair:		
Wards affected:		

(for late reports insert reason for lateness and reason for urgency)

.....

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Birmingham City Council Executive Reports Checklist

Report Title:

Report version:

Cabinet/~~District/Ward~~ Joint Cabinet Member and Chief Officer/~~Joint Executive Member and Chief Officer Report~~:

Report Author:

To be completed in respect of all Cabinet ~~and District Cabinet Committee and Ward Forum~~ Reports. This also applies for Joint Cabinet Member and Chief Officer Reports.

Committee Services have been instructed to return any Report which does not have a fully completed Checklist attached. The purpose is for the author to indicate who has been consulted in the preparation and clearance of the report and when.

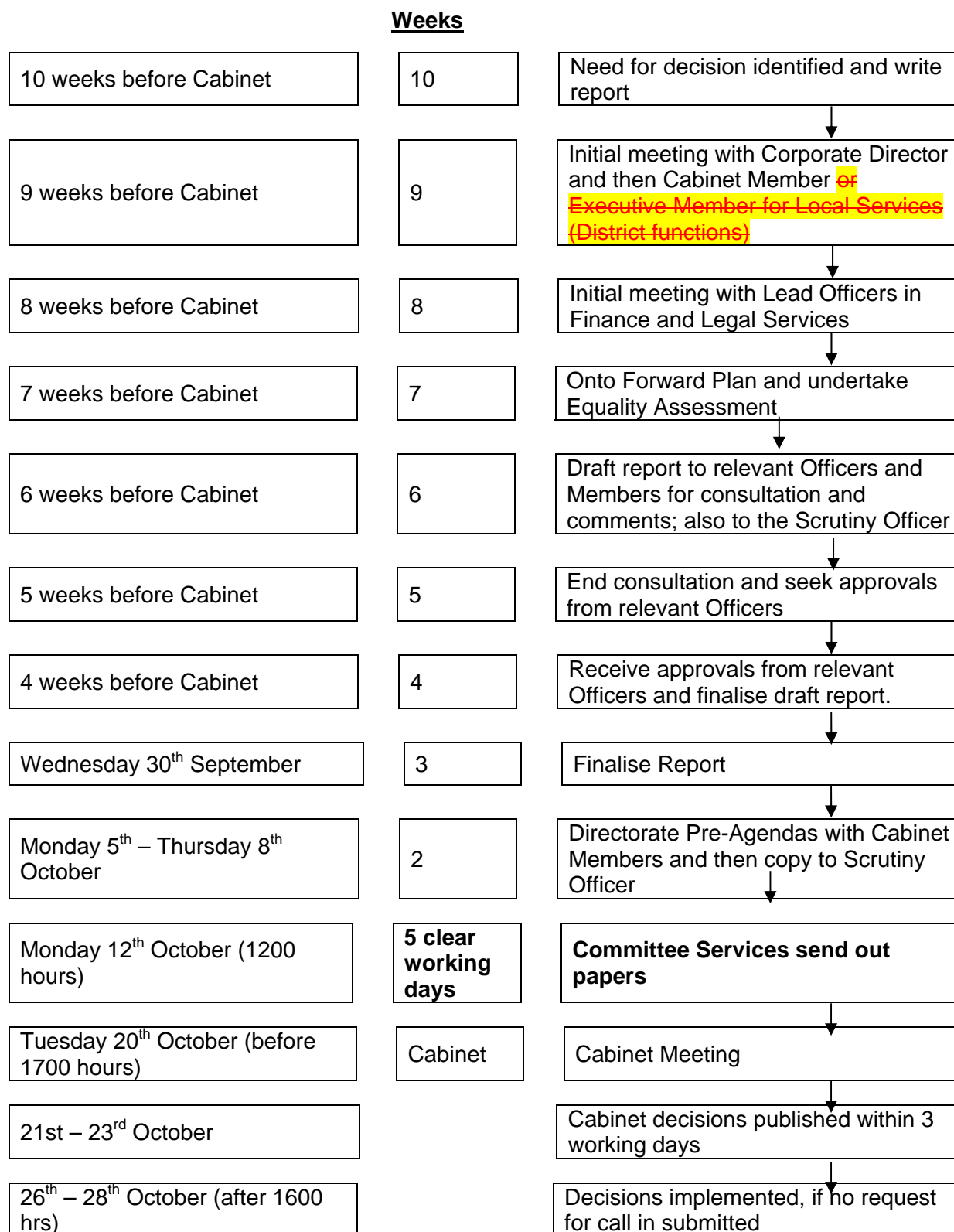
CONSULTATION	Names and dates to be inserted
Has the report been discussed and cleared with:	
Relevant Cabinet Member(s)	
Relevant District Committee Ward Forum Chair	

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Guide to Cabinet Reports Sequence

Time Required = 10 weeks (minimum 6 weeks)

Example (using a Cabinet meeting on Tuesday 20th October)





Birmingham Tree Policy



A report from Overview & Scrutiny





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Further information regarding this report can be obtained from:

Lead Review Officer: Name: Rose Kiely/Baseema Begum

Tel: 0121 303 1730/0121 303 1668

e-mail: rose.kiely@birmingham.gov.uk/

baseema.begum@birmingham.gov.uk

Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.



Preface

By Councillor Fiona Williams Chair, Birmingham Tree Policy Task & Finish Group



Birmingham people are rightly proud of the greenness of our city but it is something that is not static and which cannot be taken for granted. The Victorians understood about the importance of trees to quality of life in the city and about creating a world for future generations. We should be doing the same and planning a legacy for our children which provides an environment that is as clean and as healthy as possible.

But is this isolated to just Birmingham? No. Birmingham is the first Biophilic city in the UK. We are part of a network of 12 other partner cities:- Wellington (New Zealand), Singapore, Milwaukee, Phoenix, San Francisco, Portland, Vitoria-Gasteiz in the Basque country in Spain, Washington DC, St Louis, Pittsburgh, Austin and Edmonton (Canada). Is it an achievement? No, it is a start, it is an aim and an aspiration to make us the first natural city in the UK. This ambition, which dates back to when Cllr James McKay was Cabinet Member, is to be welcomed but to achieve it the city needs a long-term plan to inform decision-making and coordinate actions which will turn this ambition into a reality for future generations.

The recent pace of change and development within Birmingham has been having an increasing impact on the City's treescape. Currently, mature trees are not infrequently being lost to development and are often replaced with smaller canopied tree species of limited diversity. In particular, replacement levels within the city centre can often be limited or non-existent.

To achieve the ambition for the city, the current tree strategy, policies and processes need to be reviewed and updated to create a strategy that is more responsive to trees and green infrastructure in the city. The current policy was last reviewed in 2009 but had been set in 2002. We now propose a more proactive policy with a citywide urban tree management strategy which will ensure that decisions about tree planting are properly coordinated and that a sufficiently long-term view is taken to protect the Birmingham Urban Forest for the people of Birmingham.

We recognise that resources are a constraint on what can be done but the suggestion about setting up a Birmingham Tree Bank could potentially provide both an alternative means of securing additional funding for the costs of new tree planting and green infrastructure and a means of providing additional flexibility to facilitate a more strategic citywide approach to tree planting and green infrastructure in the city.

The recommendations outlined in this report will enable us to continue to be a Biophilic city and help us to achieve the aim of being the first natural city in the UK. I commend the report and the recommendations to you.



Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R01	That clearer guidance on a range of tree-related matters be included in the Birmingham Design Guide to help applicants with the design process. This should include the matters raised in this review about establishing an aspirational desirable city tree canopy cover increase, trees and health, air quality, Water Sensitive Urban Design, recommended future species and reductions in over-represented species, planting pit design, soils and specifications. These should be produced within appendices to the Birmingham Design Guide or via the City Council website where details should be periodically updated.	Leader in liaison with Members of the Executive where appropriate	December 2018
R02	That every major planning application should incorporate consideration of how to improve the natural environment with particular reference to maximising opportunities for greening in a dense urban environment through the use of suitable types of green infrastructure wherever appropriate.	Leader in liaison with Members of the Executive where appropriate	December 2018
R03	That an urgent review takes place of the new assessment criteria for the evaluation of Planning Conservation Areas - to ensure that any discrepancies around tree protection are properly addressed; in the event of de-designation.	Leader in liaison with Members of the Executive where appropriate	September 2018
R04	That in relation to permitted development in highways, a process be developed to ensure that appropriate consultation takes place prior to any highways improvement or design development where trees are likely to be affected. This will include: <ul style="list-style-type: none">- a condition survey and/or a tree survey compliant with BS 5837 2012 (Trees in relation to design, demolition and construction) to identify tree constraints;- a valuation of affected trees against the adopted Birmingham City Council process;- appropriate consideration of retention, mitigation, replacement and compensation for trees; and- recommendation(s) by the appropriate City	Cabinet Member for Transport & Roads	February 2019



	Council arboricultural officer.		
R05	That a clear standardised tree impact evaluation process for all footway crossings requests should be urgently developed and agreed. The process should set out a clear methodology for assessing both the value (monetary and/or public amenity) of any removed or affected tree and the levels of demand for parking within any given street. This should be put in place as a new working practice within 6 months but formally adopted as part of a wider urban tree management strategy.	Cabinet Member for Transport & Roads	Step one September 2018; Step two February 2019
R06	That the feasibility of managing a percentage of tree cover on a citywide basis be explored with Amey to establish a mechanism so that, where options for replacing trees in a ward are limited and with the prior agreement of the relevant ward members, replacement trees can be planted in those areas where an increase in tree cover would be most beneficial. Matters of viability and environmental constraint will need to be investigated.	Cabinet Member for Transport & Roads Cabinet Member for Commercialism, Commissioning & Contract Management	February 2019
R07	That additional, clear and comprehensive information should be provided to the public about trees incorporating a review of the way that material is presented on the City Council website. This should include improving cross-referencing, making the information easier to navigate and using the available data to improve the promotion of the value of the City's collective tree stock and the role it plays in delivering benefits across the health and well-being agenda and ecosystem services. The over-sight of this information in future could be the responsibility of the new Birmingham Forest Group. (R11)	Leader in liaison with Members of the Executive where appropriate	September 2018
R08	That the City Council should raise awareness about and promote the fact that Birmingham has committed to becoming one of the world's most environmentally friendly cities by being a member of the Biophilic Cities network and the role that trees play in this.	Cabinet Member for Clean Streets, Recycling & the Environment	September 2018
R09	That a new supplementary funding system utilising a grading system which places a monetary value on the visual amenity of trees	Leader in liaison with Members of the Executive where appropriate	February 2019



Birmingham Tree Policy

	as well as their replacement cost (such as CAVAT) be adopted; and that in addition the recommendation to establish a Birmingham Tree Bank be urgently explored. Together these would provide an additional source of finance to support the proactive management and development of new planting opportunities and green infrastructure in Birmingham; something that could be overseen by the new Birmingham Forest Group (R11). The tree valuation process agreed on shall be considered for adoption within the Development Plan Document (DPD) and the research undertaken be considered as the evidence base for that emerging policy.		
R10	That an Urban Tree Management Strategy which reflects the latest evidence from research and current best practice be developed and that adequate safeguards and monitoring measures are put in place for the Birmingham Forest. This could then be used to inform 5 year management plans with each tree related service area deriving annual operating plans from these. Once developed the Tree Management Strategy should be presented to Council for adoption to ensure adherence across all council functions. Progress against agreed targets should be reported to the appropriate Cabinet Member on a 4 yearly basis.	Leader in liaison with Members of the Executive where appropriate	February 2019
R11	That Terms of Reference for a representative, region-wide, independent-led Birmingham Forest Group be explored. This should comprise experts and interest groups with a focus on trees in the urban landscape with a view to informing the development of an urban tree management strategy and strategic tree related matters across the sub-region.	Leader in liaison with Members of the Executive where appropriate	Step one September 2018 Step two February 2019
R12	That an assessment of progress against the recommendations in this report be presented to the appropriate Overview & Scrutiny Committee.	Leader	February 2019



1 Reasons for the Review

1.1 Background

1.1.1 On 4th April 2017 the City Council passed the following motion:

Council notes that:

- Birmingham is recognised as a Green City and that the quality of its green spaces and trees has been used over a long period to attract inward investment.
- The City is part of the global Biophilic Cities Network - a group of Cities that aspire to integrate nature into everyone's lives - with a daily dose - over a generation - through improved and more accessible green infrastructure.
- Trees provide health and wellbeing benefits along with a positive contribution to the ecosystem in the form of flood alleviation, air cooling etc.
- Its policy on trees was last updated in 2009 but dates back to 2002.

Council notes the work already underway to develop a new tree policy for the City and in particular the intention to develop a more sophisticated method of valuing trees that might replace the current 2 for 1 policy.

Council also recognises that opposition party representatives will be engaged in the process of developing the new tree policy along with a task and finish scrutiny.

1.1.2 Following this motion, the Scrutiny Chairs agreed to establish a task and finish group on the forthcoming revised tree policy.

1.2 The Review Group

1.2.1 A cross-party Task and Finish group of Members was set up with places allocated according to political proportionality. The membership comprised: Cllr Fiona Williams (Chair), Cllr Debbie Clancy, Cllr Roger Harmer, Cllr Keith Linnekor, Cllr Mary Locke, Cllr Ewan Mackey, Cllr Karen McCarthy, and Cllr John O'Shea.

1.2.2 The aim of the review was to support the development of a revised cross directorate tree policy for the "Birmingham Urban Forest" that will reflect the environmental and developmental challenges and pressures placed on it.

1.2.3 The group set out to use knowledge of best practice from the UK and around the world with a particular focus on building resilience within the tree stock and retention, removal and replacement policies.



2 Trees in Development

2.1 Trees and planning

2.1.1 In the Birmingham Development Plan the tree cover within the City is collectively referred to as "The Birmingham Forest". Within planning, trees are recognised as material considerations and are considered in a number of different ways such as:

- The impact on trees of planning applications is assessed by qualified arboricultural officers who comment on and make recommendations relating to a range of issues including tree protection measures. This may also involve the use of planning conditions to secure specific works or replacement trees.
- Trees in Conservation Areas are automatically protected from being cut down or having work done to them in order to preserve the special character of the area. In addition to this, a specific tree may be protected by a Tree Preservation Order. However, it should be noted that the designated Conservation Areas of the City are themselves now being revisited and reviewed against more robust assessment criteria which may lead to de-designation of some areas; with the subsequent removal of the in-built tree protection.
(R03)
- To carry out work or remove a tree in a Conservation Area 6 weeks' notice in writing must be given by submitting a web-based Tree Works Consent Form giving details of planned works.

2.2 Tree Preservation Orders

2.2.1 Tree Preservation Orders (TPO) cover both individual trees and groups of trees. A specific methodology is applied to assess whether trees are worthy of a TPO. This assessment is made by the City Council's arboricultural officers.

2.2.2 Members of the public are able to request that a tree be considered for a TPO through the City Council's web pages. Applications for work or removal are required to be made as for Conservation Areas.

2.3 Conservation Area tree works not requiring permission

2.3.1 Permission is not normally required to cut down or do work to trees that are:

- Less than 75mm in diameter (measured 1.5m above ground).
- Less than 100mm in diameter (measured 1.5m above ground), if it is to help the growth of other trees.



- Dead or dangerous. This should be based on the advice of a reputable tree surgeon. Typically the tree surgeon will contact the City Council with an 'emergency' 5 day notice of works that are urgently necessary to remove an immediate risk of serious harm.
- A fruit tree, grown for fruit production in the course of a business or trade.

2.4 Trees and flooding

- 2.4.1 Flooding in urban areas is an increasingly prevalent problem and one of the environmental benefits that trees can deliver is to help to provide relief from flooding. Where there is a high coverage of impermeable surfaces in urban areas this prevents surface water from soaking into the ground and increases the risk of flooding from surface water run-off in hard landscaped areas.
- 2.4.2 Trees can help to alleviate the flood risk by reducing the amount of surface run-off following heavy rainfall and so reduce the risk of urban flooding. Trees are known to aid water percolation into the soil and require large volumes of water as part of their growing process.
- 2.4.3 Flooding in urban areas is estimated to cost a minimum of £270 million per year in England and Wales. Two thirds of the homes affected by the floods of 2007 were flooded as a result of surface water. Sustainable Urban Drainage Systems (SuDS) are designed to mimic natural drainage and filter and retain rainfall where it lands to prevent 'grey' drainage systems from becoming overwhelmed during storm events.¹ These methods are able to combine water attenuation measures within tree pit design which provides twofold benefits. While these may appear to be more costly to construct initially, the long-term benefits and reduction in associated costs have been shown to make these installations cost effective in the long-term.
- 2.4.4 While SuDS (Birmingham SUDS Supplementary Planning Document) can be and are often used to retrofit existing infrastructure to provide drainage solutions for single sites, a more effective approach would be to integrate the water cycle with the built environment at an earlier stage through planning and urban design; called Water Sensitive Urban Design.

2.5 Birmingham Design Guide

- 2.5.1 Birmingham is continuing to experience strong growth and levels of investment in infrastructure and new development which will undoubtedly have a lasting impact on the City. The City Council recognises that this development needs to be underpinned by the delivery of well-designed buildings, streets and spaces. The Birmingham Design Guide will set out the basis of the City Council's approach to promoting high quality design and ensuring that high standards of design are achieved in all development.

¹ Parliamentary Office of Science and Technology POSTnote 289



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- 2.5.2 The Birmingham Development Plan (2031) is the City's main policy document which provides strategic guidance on how this inclusive, sustainable development will be delivered across the City. The Design Guide will build on these principles and provide clear guidance to aid decision making and pre-application discussions through the use of design principles and best practice examples.
- 2.5.3 The Design Guide is structured around five 'Big Design Themes', one of which is Green Environment and Infrastructure. This includes landscape, public open spaces, rivers and canals, trees, biodiversity and sustainable drainage.
- 2.5.4 The first step in creating the Birmingham Design Guide has been the publication of the Design Guide Vision document which went out to consultation between September and November 2017 to enable individuals and organisations to submit comments and ideas on the content and structure of the Guide. Although there is already a robust consideration of trees in the planning process, the creation of the Design Guide offers an opportunity to provide a level of guidance and detail on a range of tree related issues to help applicants in their design process. A draft of the Birmingham Design Guide will be published and go out to consultation in Spring 2018 with the adoption of the Design Guide planned to happen in Winter 2018.
- 2.5.5 Clearer guidance on a range of tree-related matters including Water Sensitive Urban Design should be produced and incorporated into the Design Guide to better reflect what we need to achieve in the City to ensure a robust and resilient tree stock in the future. The Guide should offer flexible guidance that can be adapted and updated over time, with the emergence of best practice and new research. For now, clear guidance should be produced on matters including desirable canopy coverage percentage, species choice or advice on species already over represented which need to be avoided at present and about planting pit design and specifications. Guidance should also be produced on the need for planting conditions being informed by "on the ground investigations" to ensure that sufficient rooting space is available or can be created to ensure that new trees being planted are given the best chance of thriving. This guidance would help applicants in their design process. This should either be included within appendices to the Design Guide or via the web where the details should be periodically updated. **(R01)**

3 Trees in Streets

3.1 Road widening and junction modification

- 3.1.1 Transportation and infrastructure projects often involve road widening and junction modification which do impact on street trees. There are a number of constraints which need to be taken into account when scheme proposals are being prepared. These include:
- The need to deliver a scheme that achieves the desired outcomes e.g. road widening to provide additional road capacity to better manage traffic, the introduction of safety



improvements to reduce accidents, new infrastructure to improve access to jobs and housing to support economic growth, the introduction of cycle routes to support sustainable travel.

- Working within the highway limits - extending the scheme beyond the public highway into private land may require a Compulsory Purchase Order which would considerably extend the project programme and can be costly and there is no certainty of success.
- Impact on underground services - diverting services is costly so designs where possible should minimise impact on services.
- Providing environmental benefits by maintaining landscape areas and trees.

3.1.2 Efforts will be made to maintain landscaping and trees whenever possible. Where landscaping and trees are affected appropriate landscape and tree planting mitigation is considered. Additional landscape and tree planting will also be provided if possible, working within the above mentioned constraints. In future where trees are not the best solution other forms of green infrastructure must be considered. **(R02)**

3.2 Current Practice

3.2.1 Recent practice is to appoint the City Council's Landscape Practice Group (LPG) to manage the landscape and tree process from concept until the project is handed over to the maintenance providers (Amey for trees and Parks for landscaping areas). This is to ensure that the landscape and tree aspects are properly considered, managed and that designs are fit for purpose.

3.2.2 The landscape and tree planting works are delivered through the City Council's Landscape Construction Framework Agreement 2015-19 which is managed by LPG. The landscape and tree works are coordinated by the Project Manager alongside the main roadworks contract.

3.2.3 The current policy is that for every tree removed two new trees are planted. Due to various constraints, it is not always possible to plant the new trees at the same location e.g. there may not be enough space available on the public highway, there may be no other available City Council owned land adjoining the scheme boundary, underground services may prevent new tree planting or visibility lines for road users may be obscured. In the event that new trees cannot be planted within the scheme limits or on adjoining City Council land, other suitable locations within the vicinity of the scheme are considered.

3.2.4 The contractors appointed to do the work will be from the City Council's Highways and Infrastructure Works Framework Agreement. The framework contractors work to specific guidelines:

- BS 5837: 2012 Trees in relation to design, demolition and construction and
- NJUG 10 Proximity of Trees to Services



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to ensure the correct working methods are adopted when working close to existing trees. For the first two years, the appointed roadwork contractor is responsible for the maintenance of the tree and liability for maintenance then moves to the Highways Maintenance Contractor for trees in the public highway (Amey) or to Parks for non-highway trees. The annual cost of maintaining a tree in the public highway ranges from around £60 to £140.

- 3.2.5 A better balance must be struck in highways design between managing traffic, road safety and enhanced local environment, reflecting the positive promotion of sustainable transport choices and due consideration of the city's global green city aspirations. **(R08)**

3.3 Highways Design and Permitted Development

- 3.3.1 Most improvement work undertaken on the public highway is permitted development. This means that planning consent is not required to be obtained for these works. This is in contrast to new road projects which are required to go through the planning process which will determine the scope of landscaping and tree planting.
- 3.3.2 As a result, trees are often not included when constraints are being considered as part of the design process, particularly in relation to highways design where highways development works are carried out under the Highways Act as permitted development. In many cases the evidence given was that this means that issues relating to trees are not considered by the highways designers until very late in the process and Members were told by the arboricultural officers that often removal appears to be the first port of call with inadequate replacement trees being designed into the scheme.
- 3.3.3 The view was expressed during evidence gathering that officers with specific responsibility for trees are generally not included in the stages of the highways design process which results in little understanding of integrating green infrastructure or consideration of tree retention, suitable tree planting design, locations and species choice for replacement planting. This can sometimes lead to limited and poor quality replacement plantings and can ultimately lead to the managing departments having to undertake remedial or replacement work far sooner than should normally be expected resulting in increased tree maintenance costs than would otherwise be the case.
- 3.3.4 The suggested solution is to introduce an amended system of design in highways which ensures that all constraints, including trees, are set out prior to any design being signed off and that input should be required from the appropriate professionally qualified arboricultural officers as an integral part of the highways design process. This would require a minimum of either a condition survey and/or a tree survey which is compliant with BS 5837 2012 (Trees in relation to design, demolition and construction) to be commissioned to identify tree constraints prior to any design process. In addition, a valuation of the individual affected trees or tree stock should be undertaken using CAVAT (Capital Asset Valuation for Amenity Trees – see para 6.2.2) value to promote retention of mature trees and set a truer value on any required replacement. **(R04)**



3.4 Footway Crossings

- 3.4.1 Each year there are a substantial number of requests for tree removals to facilitate footway crossing, either to create new off street parking or to create new access roads for new developments. The impact is substantial with in the region of 1,400 footway crossings being installed each year in Birmingham. When considered in terms of football pitches, 1,400 is similar in scale to about two football pitches each year.
- 3.4.2 Around 80 trees are removed each year to enable footway crossings and, in addition to tree removal, many remaining trees are unnecessarily damaged during footway crossing construction with implications for the future health and stability of those trees. At the moment, the process is ill defined which leaves decisions on tree management inconsistent and unclear.
- 3.4.3 Whilst there is a process for compensation for, or replacement of, street trees lost through this process, there needs to be a clear standardised process for assessing whether these removals should be agreed to. The process needs to set out a clear methodology for assessing both the value of the tree and the levels of demand for parking within any given street. A draft policy was drawn up in 2011 but was never formally adopted. This draft policy should be revisited and put in place initially as a new working practice but should subsequently be included as part of an adopted new tree management strategy. **(R05)**

3.5 Street Tree Management: Amey

- 3.5.1 Amey were awarded the 25 year contract for the management of trees within the highway on behalf of Birmingham City Council (2010 - 2035). They manage trees on the highway to the standard as set out in the contract with Birmingham City Council i.e. prune and maintain street trees to maintain safety and discharge the responsibility for trees on the highway on behalf of Birmingham City Council.
- 3.5.2 Under the contract with Birmingham City Council, Amey are obliged to hand back as many trees on the network as were adopted, or to a figure that has been adjusted through funded additions to the network. The agreed survey figure was 79,000 trees.
- 3.5.3 Amey base their management of street trees on the current (2009) tree management strategy. This identifies suitable survey periods for inspection, sets parameters for levels of work required to ensure a healthy and safe tree stock is maintained as well as details of the quality of work (adhering to BS 3998 2010 Tree work recommendations). Where trees are removed Amey will aim to replace trees as close to that location as possible or failing that, to replace them within the same ward.
- 3.5.4 However, planting replacement trees on the highway can often be beset by problems. Where a tree has been removed, it is not always possible to plant another in the same place. When a tree is felled it is cut off at the level of the footway and the trunk area is broken up with a stump grinder.



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The roots are often left in situ to slowly rot away since it is not always possible to remove them. Over time they would have become entwined with service cables and root removal would damage the services. Where new street tree planting is desirable on the highway, a search has to be made of the utility cables or pipes that run beneath the surface but the plans are often inaccurate which means that a trial pit may often need to be dug to determine the exact location of underground services, which can be expensive. If no services are found only then can a tree can be planted.

- 3.5.5 A suggestion was raised in evidence about a potential opportunity to redistribute trees across a wider area of the City if a percentage of tree cover was managed on a citywide basis. There are some areas of the City with particularly low tree numbers while other areas enjoy significant tree cover. In areas where options for planting locations are limited due to existing tree cover, new planting could potentially be directed to those low tree'd areas where an increase in tree cover would be most beneficial. The feasibility of managing a percentage of trees on this basis and coming to an agreement about how this should be managed would obviously need to be discussed and agreed with Amey and with highways asset management but the feasibility should be explored with the relevant parties; and it must tie-in with future land use policies. **(R06)**

3.6 Maintenance of street trees

- 3.6.1 The point was made quite forcefully by Members on the group that whilst tree-lined streets are a vitally important and a welcome sight on streets where they are the "right tree in the right place" and are not overgrown, where trees on the street are not adequately maintained, they can cause a variety of issues for local residents. This is evidenced by the number of issues relating to trees that are raised with local councillors as part of their casework. The past practice of street tree management through heavy reduction (or Topping) has led to problems for local residents with dense "overgrown" trees blocking sunlight from gardens and houses, with leaves blocking drains, issues with sticky deposits on the surrounding area caused by aphids, branches falling and the costs of repairing pavements due to excessive tree root problems. The current tree management process seeks to reduce these through the initiation of a more appropriate pruning regime, however this will take several years to rectify past issues. As trees reach the point where retention is no longer possible for health and safety reasons these will be replaced with a more situation appropriate species. **(R10)**
- 3.6.2 There needs to be a long-term planned programme where the large overgrown street trees are steadily replaced over a number of years with more suitable species. Evidence was also presented to Members that although trees do not produce pollution, in certain circumstances trees can make poor air quality worse (See para 4.4.2.).



4 Trees, green infrastructure and health

4.1 Previous scrutiny report on 'The Impact of Poor Air Quality on Health'

- 4.1.1 When starting this work the Review Group Members were mindful of the need to avoid duplicating witnesses or evidence which had previously been taken about the health aspects of trees and green infrastructure as part of the scrutiny inquiry into 'The Impact of Poor Air Quality on Health' which was presented to City Council in September 2017.
- 4.1.2 The report contained two recommendations R08 and R09 relating directly to trees which were accepted by the executive as part of that report:
- That when planning for future transport infrastructure consideration should be given to the wider and longer-term benefits of keeping mature trees, especially in roadside locations where a buffering effect on air pollution is provided; and that appropriate protection for mature trees should be incorporated into any planning permission granted.
 - That planning for new developments should incorporate the planting of trees of a suitable species in the right place with careful selection of the species to be planted, density of placement of the trees and with provision for appropriate maintenance for a period after planting, as a condition of planning for new developments.

4.2 Greening in dense urban environments: urban green infrastructure

- 4.2.1 80% of people in the UK live in urban areas and green space has decreased in many cities in recent decades. This reduction poses risks to human health and natural systems that may increase with climate change. Urban green infrastructure can help to mitigate these risks.
- 4.2.2 Urban green infrastructure refers to a network of green spaces, water and other natural features within urban areas. A green infrastructure approach uses natural processes to deliver multiple functions, such as reducing the risk of flooding and cooling high urban temperatures. Green infrastructure includes all things green and living in urban areas such as street trees, parks, green walls, green roofs, urban woodland, playing fields, private gardens, allotments and cemeteries.²
- 4.2.3 Green infrastructure potentially provides alternative ways to maximise opportunities for greening in dense urban environments where there is low provision and opportunity for green space and street trees.

² The Parliamentary Office of Science and Technology, Postnote Number 448 November 2013



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- 4.2.4 There is a significant volume of research indicating the health benefits of trees and access to green spaces through improved mental wellbeing and levels of physical activity, reduced exposure to pollution and high urban temperatures.
- 4.2.5 Dr Kathy Wolf from the University of Washington has compiled over 40 years' worth of research into the benefits of trees and green infrastructure which can be found on the Green Cities – Good Health web pages and much research is being undertaken by universities in Birmingham and across the UK.
- 4.2.6 Evidence was presented to the Review Group by Dr Emma Ferranti, Research Fellow in green infrastructure and air quality in the School of Geography, Earth & Environmental Studies at the University of Birmingham about the many good reasons for green infrastructure in our cities. The evidence presented shows that green infrastructure positively impacts on health from birth to death: new-borns from areas with higher levels of urban forest have a higher average birth weight;³ children in classrooms with a view of green infrastructure have higher attention levels than those who do not;⁴ adults have lower frustration and higher emotional mind-set when moving in greener streets;⁵ a view of nature following surgery can improve emotional well-being, reduce minor complications, and shorten hospital stays;⁶ and wander-gardens and horticulture can reduce medication and falls for Alzheimer's sufferers.⁷
- 4.2.7 Evidence was also presented about how green infrastructure makes our cities more liveable and resilient to extreme weather. For example, green infrastructure can provide shade and improve thermal comfort on hot days.⁸ Green infrastructure can reduce the amount of surface run-off following heavy rainfall⁹ and therefore reduce the risk of urban flooding. Finally, green infrastructure can lessen the negative impact of poor air quality. Members were told that globally, air pollution is the biggest environmental risk to health and that within the UK, poor outdoor air quality is linked to 50,000 deaths each year.

³ Donovan, G.H., Michael, Y.L., Butry, D.T., Sullivan A.D., and Chase J.M., 2011 Urban Trees and the risk of poor birth outcomes. *Health & place*, 17(1) pp390-393

⁴ Li, D & Sullivan, W.C 2016. Impact of views to school landscapes on recovery from stress and mental fatigue. *Landscape and Urban Planning*, 148, pp149-158

⁵ Aspinall, P., Mavros, P., Coyne, R. and Roe, J., 2015. The urban brain: analysing outdoor physical activity with mobile EEG. *Br J Sports Med*, 49(4), pp.272-276

⁶ Ulrich, R., 1984. View through a window may influence recovery. *Science*, 224(647), pp.224-225

⁷ Detweiler, M.B., Murphy, P.F., Kim, K.Y., Myers, L.C. and Ashai, A., 2009. Scheduled medications and falls in dementia patients utilizing a wander garden. *American Journal of Alzheimer's Disease & Other Dementias*, 24(4), pp. 322-332

⁸ Norton, B.A., Coutts, A.M., Whyatt, J.D. and Hewitt, C.N., 2012. Effectiveness of green infrastructure for improvement of air quality in urban street canyons. *Environmental science & technology*, 46(14), pp.7692-7699

⁹ Mentens, J., Raes, D. and Hermy, M., 2006. Green roofs as a tool for solving the rainwater runoff problem in the urbanised 21st century? *Landscape and urban planning*, 77(3), pp.217-226.



4.3 Bristol Street Green Screens Trial

- 4.3.1 Evidence was presented to Members by Chris Rance, Technical Director, WSP UK, Birmingham, (formerly of Atkins), about how there are fewer opportunities for urban trees in the densely built up city centre than elsewhere. In such an environment there is limited provision and opportunity for green space and street trees but there are lots of vertical features in the built environment which can potentially be used to introduce more “green” where there isn’t room to fit large trees.
- 4.3.2 The background to the trial which took place on Bristol Street in 2015 aimed to maximise these opportunities for greening in densely built-up urban environments by using this vertical dimension where there is limited ground level space. The idea was to provide a low cost approach to retrofit and transform a piece of existing and common infrastructure i.e. the grey pedestrian guardrail running within the central reservation along the highway.
- 4.3.3 He described how the foliage is pre-grown and already green and is installed on to the railing. The work was done in collaboration with the Southside Business Improvement District (BID) and funded by local businesses via the BID to see if the street environment could be improved with no cost to the local authority. Staffordshire University also worked on the project and tested the foliage for airborne particulate trapping to count the particles trapped on the leaves as a measure of the pollution captured.



- 4.3.4 The initial Staffordshire University findings indicate that the particulate matter interception rate is likely to be higher than 145 million particles per square metre of green vegetated screen per day - which is a very large quantity of particles. This could be a very significant way of increasing the scale of green infrastructure in the City. It is simple and low cost, it can be replicated on a broad scale, it helps to address poor air quality which is a major health problem for cities, it is space efficient and can be utilised where there is no room for trees which is important in high urban



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density environments and it also improves the visual setting and creates a more attractive and healthier environment. The introduction of natural barriers (dense foliage including green screens and hedges) is also a valuable tool in separating cyclists and pedestrians from motor vehicle derived air pollution.¹⁰ **(R02)**

4.4 Potential negative effects on health

- 4.4.1 There are, however, a number of real and perceived negatives. Many trees are wind pollinated and this does have an impact on asthma sufferers and a few limited species can produce excessive pollen levels. A few other species can also exacerbate existing or underlying health issues but using careful consideration and by following the principles of “right tree right place” these issues can be minimised or avoided.
- 4.4.2 Trees do not produce pollution. Air pollution comes predominantly from road transport. Within areas of poor air quality trees and green infrastructure can improve air quality. However, in certain circumstances, trees can make poor air quality worse. Dense avenues of street trees with large and interconnected canopies can trap air in street canyons and eliminate air mixing. If the pollution source is located inside the canyon this causes fumigation – i.e. the air pollution is trapped inside the street canyon. The opposite happens if the source of air pollution is located outside the canyon of the canopies which prevent mixing into the canyon, creating locally cleaner air.
- 4.4.3 Dr Ferranti explained in her evidence that trees produce natural chemicals called volatile organic compounds. On very hot days with strong sunlight, such as during a heatwave, these volatile organic compounds can mix with pollution from road transport to form ozone. At ground level, ozone is a pollutant with a negative health impact. To be significant in terms of air quality this takes several hours and needs many millions of trees. This effect is large-scale not local street-level, and the ozone formation may take place hundreds of miles away from the original source. Members were advised that this only needs to be considered an issue when increasing the total number of urban trees (not the same as the overall canopy cover) by more than 10%.

5 Public and trees

5.1 Dealing with Tree Enquiries

- 5.1.1 All public enquiries are received through the Birmingham City Council web portal or via the call centre. These are allocated to Amey in the case of Highways trees or via staff in the Parks & Nature Conservation Enquiry Team who provide an administration service for all requests for

¹⁰ National Institute for Health and Care Excellence (NICE) guideline ‘Air pollution: outdoor air quality and health’ 2017 (1.6 Walking and cycling) <https://www.nice.org.uk/guidance/ng70>



advice and information on horticultural and tree enquiries where this relates to all other Birmingham City Council owned trees. Relevant enquiries about Council owned trees are recorded and passed to the Tree Officers for assessment. Tree Officers investigate relevant enquiries and notify the person making the enquiry of the result together with details of any proposed action arising. All other enquiries are passed on as appropriate.

- 5.1.2 In the event of an out-of-hours emergency the message directs callers to the telephone number for the Duty Engineer at Lancaster Circus. The Council provides an emergency service to deal with dangerous trees or fallen trees where they are a threat to life and/or property.

5.2 Complaints

- 5.2.1 Given the number of trees in the City and the size of the population, issues relating to trees are relatively limited by comparison but trees in streets, and especially in residential areas, do give rise to a number of common problems. Common complaints include:

- lack of phone or TV signal;
- sticky deposits on cars/property;
- loss of light;
- leaves being dropped;
- roots or branches affecting property, including subsidence claims.

- 5.2.2 These common complaints are listed on the Council's web pages and there are responses setting out the level of action that will be taken by the Council. While there are processes in place to deal with these issues, some of these issues should gradually reduce in future years as new trees are planted, using the principles of right tree, right place.

5.3 Access to information

- 5.3.1 Currently there is some information about certain aspects of trees and the tree service available to the general public on the City Council website. However there are a number of issues which need to be addressed about the content and the way the Council provides information about trees to the public which, if addressed, would help to reduce the number of queries and the time required for qualified officers to give advice.

- 5.3.2 There is some information available, for example, about when street trees are to be inspected and when works to street trees can be expected to happen, which can be found on the City web pages under the Highways section. By contrast, information on Conservation Areas is to be found in another section of the website under Planning and all other tree works information is under Parks. This is obviously not ideal from the point of view of citizens with problems and queries trying to navigate the website to access information about trees. Whilst each section should still be



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responsible for its own information, the material needs to be better cross-referenced. There is no link on the website to Parks or Highways from Planning tree information or vice versa.

- 5.3.3 None of the tree information on the website mentions the ecosystem services valuation so people cannot easily see what a contribution the trees in their local park or street make to the local environment. As a City we need to do more to disseminate the message more widely to the public and to actively promote the value of our collective tree stock much better and combined interactive mapping could be used to achieve this using current data.

5.4 Improving access to information

- 5.4.1 The Council also needs to be clearer in providing information about who manages trees, what our management practices are and explain why we no longer follow certain methods of tree pruning. Some of the past tree pruning practices were subsequently found to be detrimental to the long-term health of the tree and also resulted in increased maintenance costs because of the need to repeat the work on a cyclical basis. This needs to be clearly explained to the public.
- 5.4.2 It would also be useful if the process for dealing with subsidence claims was clearly explained. It has recently been agreed that the City will adopt the joint mitigation protocol for dealing with subsidence claims and the process for claims of subsidence needs to be clearly set out. This will minimise costs to both parties and ensure that timely action is taken to resolve claims or to provide sufficient evidence where a claim needs to be refuted or where the City wishes to provide an alternative solution to tree removal.
- 5.4.3 The Council needs to provide additional material, to be clearer and more comprehensive in the way it provides information about trees on the City Council website, to improve the cross-referencing of the information that is available on the website, to make the material easier for people to find and to use the data which is already available to promote the value of our collective tree stock better and more widely. **(R07)**
- 5.4.4 The point was made in evidence that Birmingham has joined the global network of "Biophilic Cities" – basically urban centres that are celebrated for their green credentials, their open spaces and their links to nature. The idea is that nature should be central to a happy, healthy and meaningful life, not just for people who live in the country but also for city dwellers. However what must be understood is that Biophilic City status is not a mark of having achieved that – but a commitment to achieving that over the course of a generation. Birmingham has pledged to work with 11 other cities in a Biophilic network to find ways of making sure that urban dwellers are linked to nature. The City has committed to becoming one of the world's most environmentally friendly cities and has developed strategies and targets which aim to make the City as green as possible. The City needs to do more to promote and to raise awareness about the fact that Birmingham is a Biophilic City and what this means, especially for the next generation. **(R08)**



6 Valuing Trees

6.1 Current valuation system

- 6.1.1 Although Council policies recognise the benefits of trees and that a substantial planting programme is needed to replace trees which are necessarily lost to development, disease or old age and to increase the overall stock, currently valuation of the City's public tree stock as a valuable asset is not a regular practice.
- 6.1.2 The current standard replacement policy is two for one replacement where trees have needed to be removed for whatever reason other than health and safety.

6.2 Alternative valuation systems

- 6.2.1 There are alternative, more sophisticated methods of valuing trees available. More recent thinking has grasped the need to portray a more realistic value based on the visual amenity and the value of the ecosystem services that trees provide and thereby justify retention over removal or investment into suitable replacements. There are a number of alternative systems available for valuation of trees. Some are more suited to individual trees while others relate better to broader populations of trees.
- 6.2.2 Some examples include:
- **Treezilla** assessment is an open data source platform where citizens can upload data about individual trees and can get an estimated value for the tree covering a range of ecosystem services.
 - **I-Tree** is a US Forest Service developed system that uses a broader range of measures to provide more detailed information on the value of their ecosystem services – providing a natural capital value.
 - **The Helliwell** system uses a basic approach to allocate point scores to a number of different factors such as tree size, life expectancy, suitability to site etc. These scores are then combined to give an overall comparative score for a tree or woodland. It is then possible to attach a value to this point score by the use of a monetary conversion factor.
 - **CAVAT** (Capital Asset Valuation for Amenity Trees) provides a basis for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. It is intended particularly for councils and other public authorities and primarily for publicly owned trees although it may be used by other public bodies, private institutions and individuals. It is used by a number of Local Authorities and London Boroughs to provide a



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valuation for individual trees and small groups of trees on a replacement basis. This allows a valuation to replace a tree of the same size and amenity value to be arrived at. The CAVAT process has been used to arrive at compensation values for loss of trees and for loss of value where trees have been recklessly damaged, especially where expected levels of tree protection have not been deployed. Within Local Authorities that operate this system these funds are allocated to a ring-fenced pot to be spent on facilitating suitable alternate planting or remedial tree work to damaged trees.

7 Future Canopy

7.1 Current position

- 7.1.1 The UK as a whole has fewer trees in comparison with countries in Europe with around 13% canopy cover. Birmingham currently has a canopy cover of around 18-19% which, while admirable, is below the level of many major world cities. It is widely accepted that in order to meet the challenges of climate change (increased temperatures, increased rainfall) a figure of around 25-30% canopy cover is required.
- 7.1.2 Using GIS data it is possible to calculate the current canopy cover levels and determine what these are for certain land use types. This data can be used to inform where tree planting is required most and would be most beneficial and to set desirable levels of tree planting for any given region of the City or land use type. When you overlay this data with air quality, heat island, flood risk, social deprivation etc. there is a distinct correlation between lack of trees or green infrastructure and the worst instances of these issues. Directing tree planting and using this to inform the planning process should help to address some of these key problems.

8 Future Funding

8.1 Current funding policy

- 8.1.1 Currently each directorate directly funds the management of trees within its portfolio, although the work may be undertaken by a contractor or by a different department. This funding is often under pressure and generally only covers routine maintenance and essential health and safety works. There is currently no allocated budget for proactive management or development of new planting opportunities.
- 8.1.2 There are a number of alternative methods of supplementary funding available. Something the city could choose to implement straight away would be using a system such as CAVAT (e.g. already adopted in London) would enable funding to be levered in to support more proactive management of trees or the development of new planting opportunities. In addition a collection system that



could collect the money owed for non-replacement of lost trees could be pooled into a Birmingham Tree Bank. (See section 8.2).

- 8.1.3 As part of the longer term policy moves mentioned in this report such as the development of a 25 year Environment Policy; this longer term approach lends itself to the emerging international green bond market. One potential realistic option for the city or the region would be to look at a catchment flood risk approach in concert with the Environment Agency and the Municipal Bonds Agency. As an emerging market there are no UK examples yet, but it is widely considered that the market for them will be right in the next 5 years. So in the near future a 25-40 year green bond would provide a long-term revenue stream to support urban tree management. **(R09)**

8.2 Birmingham Tree Bank

- 8.2.1 The Birmingham Tree Bank is a suggestion for a new system to replace the traditional two for one tree replacement policy on Council owned land with a scheme to help finance Birmingham's Green Infrastructure. It was put forward to the Members by Jonathan Webster who is a Principal Landscape Architect with the Birmingham City Council Landscape Practice Group.
- 8.2.2 In his submission to the Review Group he explained some of the problems with the current two for one policy. One issue is that it does not properly mitigate for loss on sites where there is not enough room to properly accommodate tree replacement and it is not flexible enough in terms of the time frame and funding required to successfully re-establish tree infrastructure in suitable locations. It also takes no account of the visual amenity, health benefits or value of the larger mature trees or larger pieces of green infrastructure which are currently there. The point previously made about BCC Highway road improvement schemes which are not subject to the planning process was reiterated. This means that loss of trees is not regulated by development control which often means that large or important groups of trees, especially within the highway, are vulnerable to loss both as part of adjacent development and as part of road improvement and other regeneration schemes.
- 8.2.3 The suggestion is that trees on council owned land (and possibly including trees under threat from development) are graded using a system similar to the CAVAT (or Helliwell system) (see para 6.2.2) which places a monetary value on their visual amenity as well as their replacement cost. This system would place much higher monetary values on important trees than the current system which just covers the cost of the nearest practical new tree replacement size.
- 8.2.4 This would mean that the potential loss of trees on any one particular development site could be valued as a potential asset to Birmingham City Council and in cases where there is insufficient room for reasonable compensation and mitigation to be secured through new tree planting within any one site in the direct locality, the difference in value is transferred into the Birmingham Tree Bank.



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- 8.2.5 As part of the Amey contract any trees removed from the Highway network should result in a saving in the amount paid out annually through the contract to cover revenue costs. In theory this saving could potentially be used to cover the revenue and maintenance costs of new trees added to the network. The City Council should investigate whether the value of, or part of the value of, new savings on revenue costs from trees removed from the Amey contract within the Highway contract could be transferred into the Birmingham Tree Bank. It might also be possible to explore whether funding could be secured from Amey through their commitment to the Birmingham Business Charter for Social Responsibility.
- 8.2.6 Funding secured into the Birmingham Tree Bank could then be used to fund both the capital and revenue costs of new tree planting and green infrastructure within the city. Instead of looking at tree mitigation on a site by site basis this would provide flexibility and funding to consider taking a more strategic citywide green infrastructure approach. This would give the potential for funding both more local tree planting through organisations such as "Birmingham Trees for Life" as well as council directed schemes under the auspices of a coherent strategy. **(R09)**
- 8.2.7 The future over-sight of the Birmingham Tree Bank could then be a responsibility of the new 'policy group'. **(R11)**

9 Future Maintenance

9.1 City Council tree management policy

- 9.1.1 The City Council is a major land owner in the City and is responsible for the maintenance of and for the risks and hazards arising from trees on this land. The Council's street tree maintenance and management arrangements are set out in its Tree Management Strategy. This document sets out a series of broad tree policy statements relating to the maintenance and management of the City's trees together with a series of objectives and commitments supporting the implementation of these policy statements.
- 9.1.2 As a matter of good practice all policies need to be periodically reviewed to ensure that they remain fit for purpose. The current Tree Management Strategy was last reviewed in 2009 and whilst reflective of good practice at the time, it now needs to be revised and updated to reflect the latest evidence from research and current best practice and forward planning in order to ensure that the policy is relevant, clear and helps to shape an urban tree strategy on which important decisions about trees can be based.
- 9.1.3 There will always be positive and negative aspects to planting and maintaining trees in an urban area. Planting trees in urban areas does have pitfalls, such as the potential for limiting air circulation in heavily polluted streets where a thick tree canopy can trap polluted air at low levels. Leaves can block gutters and gulleys, may deflect sunlight from houses and gardens and can



sometimes cause damage to surfaces but this needs to be balanced against the multiple benefits and amenity value of urban trees.

- 9.1.4 In spite of the drawbacks, there is increasing recognition of the potentially positive role that trees can play in improving air quality by controlling particulate matter where urban tree planting is properly coordinated alongside other particulate matter reduction strategies. In comparison to concrete or brick surfaces, trees and green infrastructure have a greater surface area which means that more air pollution can be deposited on the surface and so more air pollution can be removed from the ambient air.¹¹
- 9.1.5 Consideration also needs to be given to specific locations where trees would have a positive impact and to the species of tree to be planted and the conditions required for the tree to thrive. The City needs to develop a revised, clear tree policy that demonstrates the importance of trees in their widest contribution.

9.2 Setting up a representative citywide group

- 9.2.1 There are a wide range of bodies including universities, government agencies, the third sector, companies and other agencies with a focus on trees in the urban landscape such as Birmingham Trees for Life, Birmingham Tree People (an urban tree warden initiative), The Woodland Trust and Trees for Cities who have knowledge, experience and expertise about urban trees which could be beneficial to the City Council. There is also a wealth of evidence from research emerging all the time about the wider benefits of trees and green infrastructure which could be used to benefit and inform the way that the City Council maintains, manages and develops the Birmingham Urban Forest.
- 9.2.2 The City Council should utilise this knowledge and expertise in conjunction with expertise from directorates across the Council and delivery bodies, including Amey, to bring together a citywide independent-led group which can be called on for advice and expertise. It was suggested in evidence that this citywide group of experts and interest groups could form the basis of a 'Birmingham Forest Group' which could potentially be called on to inform the development of any Future Tree Strategy including a link to the legacy of the Birmingham Commonwealth Games to be held in 2022. **(R11)**

¹¹ Pugh, T.A., MacKenzie, A.R., Whyatt, J.D. and Hewitt, C. N., 2012. Effectiveness of green infrastructure for improvement of air quality in urban street canyons. *Environmental science & technology*, 46(14), pp.7692-7699



10 Future Urban Tree Management Strategy

10.1 Framework

- 10.1.1 The Government is about to release a framework for the creation of a 25 year environment plan. This will be applied nationally through Government projects and schemes but the main delivery mechanism for improvement would come from city and regional locations developing their own 25 year environment plan.
- 10.1.2 Work is ongoing to develop such a plan for the West Midlands to link into and integrate with the plans for economic growth. This framework would provide the ideal vehicle and a timely opportunity for Birmingham to develop a 25 year Urban Tree Management Strategy for the City.

10.2 Urban Tree Management Strategy

- 10.2.1 Urban tree management plays a wide role and provides a multitude of benefits apart from mitigating the effects of poor air quality. There is evidence, some of which has been previously referred to, which suggests that access to green spaces can provide health benefits through improved mental wellbeing and levels of physical activity, reduced exposure to pollution and high urban temperatures; green spaces can also improve the quality of life, provide environmental benefits including aiding water management and alleviating the flood risks and can help to cool urban heat islands.
- 10.2.2 However, in order for tree planting to have a positive effect, decisions about tree planting need to be properly coordinated. Decisions need to be based on a unified plan, an Urban Tree Management Strategy which identifies issues such as suitable locations where trees will have a positive impact, that identifies suitable species and also appropriate spacing and suitable planting conditions.
- 10.2.3 To ensure that a sufficiently long-term view is taken and that adequate safeguards and monitoring are put in place for the Birmingham Urban Forest, ideally a 25 year strategic plan should be developed. This could then be used to inform 5 year business/management plans with each tree related service area deriving annual operating plans from these. Consideration would need to be given as to how this would relate to, and what impact this might have on, the PFI contract with Amey. **(R10)**
- 10.2.4 The plan should include the following:
- A target increase for canopy cover within Birmingham. While a long-term vision would be to reach 25-30% this would take many years so smaller increments should be set initially. For example, to increase canopy cover from present levels by 2% (i.e. increase level from



18% to 20%). Movement towards this would need to be monitored and reported on a 5 yearly basis.

- Clear guidance on the system of assessment and valuation of tree stock (such as CAVAT) and the relationship to retention and replacement.
- Information on the assessment of current tree stock including composition, age, condition and species and setting of idealised composition targets. In addition this will guide developers away from species that are over- represented but would still follow the principle of “right tree – right place” while considering current and future threats from climate change and pests and diseases.
- Clear desirable standards for tree planting pits with examples of designs for differing locations such as open ground or hard landscaped areas. Ideally in hard landscaped areas and on new road systems combined Sustainable Drainage Systems (SuDS) and tree planting pits would be used to maximise potential ecosystem benefits.
- Identify funding mechanisms, such as a review of the potential for long-term green bonds.
- The need for greater transparency in the availability of information on the distribution and management of Birmingham’s tree stock. A review of web page information should be included as currently tree management information is disjointed. A one stop shop for tree related information is needed. Citizens should have access to clear and concise information on the value of the City’s tree stock and the role it plays in delivering benefits across the health and well-being agenda along with ecosystem services.
- Information about the City’s 25 year strategic tree plan should be published along with an interactive map of the publically owned tree stock. This interactive map should show location, species, height, condition, valuation (CAVAT or I-Tree Eco), managing department and contact details.

10.2.5 Above all, any new tree strategy should seek to be adopted by full Council and become the single point of reference for all directorates when considering how they manage or influence the Birmingham Urban Forest.

11 Conclusion

The most successful and desirable cities in the world can all be measured by their green credentials – not lip-service – but making that centre stage of their identity and USP. This gives confidence to investors. So what builds is an upward spiral as the vital building block not the economy per-se but the engagement of the citizens and businesses – so the green city vision is owned widely across the



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city not just by the municipal institution. The role of the municipal institution is then one of leadership.

A 5 year study based at the University of Birmingham, called Liveable Cities (<http://liveablecities.org.uk/>) has researched all the essential qualities and necessary conditions that need to be in place to craft a liveable city. Using systems thinking modelling it has been possible to reveal how inter-connected and inter-dependent all the various agendas and city challenges are.

One principal finding has been how the solution going forward for many of these inter-connected and complex problems faced by cities – connects back to the vital importance of nature in cities. Modern science has provided new tools such as ecosystem services – where our human dependency on nature can be made visible. And the new accountancy methodologies of natural capital can convert these benefits into multiple values.

These tools coupled with a natural capital approach start to show just how important the role of trees and green infrastructure are in cities.

We need to move from a position whereby the natural environment in cities is seen as the sole responsibility of one small part of the organisation as a whole or that of an external special interest group; and where the assets are listed as a financial liability. The current ‘business-as-usual’ approach needs challenging; urgently. So it can reflect the global advancements in our understanding expressed through new tools and new models that we are in a prime position to trial in Birmingham; so matching the city’s global green ambitions. This would put Birmingham at the forefront of global cities; working in partnership with a wide array of key stakeholders – who through these new models are able to see the business case for putting nature first.

The city’s trees will be safe once we reach this new point of understanding.¹²

- 11.1.1 Birmingham has a relatively high tree cover compared to other UK cities (see section 7.1.1) and is well placed to take up this challenge.

¹² Nick Grayson, Climate Change and Sustainability Manager, Birmingham City Council; Senior Research Fellow University of Birmingham, Liveable Cities - specializing in Natural Capital; Thoughts on the Terms of Reference



Motion

That the recommendations R01 to R12 are approved, and that the Executive be requested to pursue their implementation.



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Appendix

Members of the Task & Finish Group would like to thank all those who gave their time and contributed to this report and in particular Simon Needle and Nick Grayson for their invaluable help and support:

- Carl Hides, Senior Service Manager, Birmingham City Council
- Chris Rance, Technical Director, WSP
- Councillor Lisa Trickett, Cabinet Member for Clean Streets, Recycling & Environment
- Councillor Mike Ward, Birmingham City Council
- Dr Emma Ferranti, School of Geography, Earth & Environmental Sciences, University of Birmingham
- Julie Sadler, Principal Arboriculturist, Birmingham City Council
- Joan Goodwin, Chair, City Housing Liaison Board
- Jonathan Webster, Principal Landscape Architect, Birmingham City Council
- Nick Barton, Highway Tree Asset Manager, Birmingham Highways Maintenance and Management Service, Amey PLC
- Paul Muir, Arboricultural Consultant / Contracts Administrator, Treework Environmental Practice
- Peter Parker, Infrastructure Delivery Manager, Birmingham City Council
- Professor John W. Dover, Emeritus Professor of Ecology, Staffordshire University
- Professor Jonathan Sadler, School of Geography, Earth and Environmental Sciences, University of Birmingham
- Richard Cowell, Assistant Director, Birmingham City Council
- Simon Delahunty-Forrest, Head of City Design, Birmingham City Council
- Simon Smith, Trees and Contracts Manager, Birmingham City Council
- Thomas Clarkson-Williams, Highways Asset Manager, Birmingham City Council

A REPORT FROM OVERVIEW AND SCRUTINY COMMITTEE

REPORT TO CITY COUNCIL – 6th FEBRUARY 2018

BIRMINGHAM TREE POLICY

EXECUTIVE COMMENTARY

On behalf of the Executive, I would like to thank all Members who have shown an interest and taken part in this important and timely cross party Task and Finish Overview and Scrutiny Review into the Birmingham Tree Policy.

The benefits of trees and greenery to this city are many, not just visually but also for their positive impact on air quality, flood alleviation and contributions to health and wellbeing. The City Council has a responsibility, along with our partners, to ensure that not only do we promote a green environment for the people who visit, live and work in Birmingham today, but also as a legacy for the generations to come.

This review is a welcome addition to work already underway in the Council on a robust tree policy for the future. I am keen that any new policy is co-terminus with not just the current Birmingham Development Plan, but also future development plans and I am pleased that this suggestion has been agreed and incorporated into the recommendations in the review.

However, in Recommendation 6, whilst I agree that Ward Members should be involved and consulted fully in tree replacements, I am concerned that individual Members should not be in a position to stop the planting of trees beyond their ward should local opportunities not be available.

The benefits of trees and greenery have no physical boundaries. I therefore welcome the agreement to include the suggestion by the Executive to explore an independent Forest Group on a regional basis and work with the Combined Authority to ensure that this is progressed.

Although this review has concentrated primarily with the urban landscape, it has recognised the importance and value of greenery and trees in our parks and any policy going forward should ensure that this value is recognised and incorporated

This is an excellent example of Overview and Scrutiny adding value to an important issue and working closely with officers to ensure that a timely and informative review with robust recommendations is brought back for consideration by Council.

I welcome this report and will work closely with the Cabinet and Planning Committee to ensure that the recommendations are explored and implemented.

Councillor Ian Ward
Leader

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

To consider the following Motions of which notice has been given in accordance with Standing Order 4(1)

A. Councillors Paulette Hamilton and John Cotton have given notice of the following Notice of Motion:-

“The Council notes that yet again patients and staff in Birmingham are facing an appalling and entirely predictable winter crisis. Eight years of severe underfunding have left our National Health Service teetering on the brink of collapse, leaving thousands of patients languishing in the back of ambulances and being diverted from A&E Departments nationwide this winter. This crisis in our hospitals is further exacerbated by the Government's repeated failure to properly fund adult social care, which will result in the opening up of a shocking £2.5 billion gap in the funding of adult social care by 2019/20, This nationwide failure is damaging standards of care and placing an intolerable strain on Birmingham City Council's services.

Council calls on the Government to urgently provide funding to enable the swift rescheduling of cancelled operations and end this winter of misery. Council condemns the current NHS pay cap for all staff and the scrapping of the university training bursary for health students as significant contributors to the current staffing crisis.

The Council is committed to an NHS which is fully-funded, comprehensive, universal, publicly-provided and publicly accountable, in line with the principles established when Labour introduced it.

We therefore call on the Government to reverse recent funding cuts and invest in our health service, and to take urgent action to save the NHS by:

- providing immediate emergency funding to enable Trusts to reschedule elective operations as soon as possible
- providing adequate funding for all services, including adult social care and mental health services.
- tackling the causes of ill-health, e.g. austerity, poverty and poor housing, via a properly funded public health programme
- reversing private involvement in NHS management and provision;
- recognition of the continuing vital NHS role of EU nationals;
- Constructive engagement with NHS staff-organisations
- increasing recruitment and training
- scrapping the cap on pay-levels;
- restoration of NHS student bursaries;
- halting the sell-off of NHS sites;

The Council requests that the Leader of the Council and Cabinet Member for Health and Social Care write to the Prime Minister and Secretary of State for Health and Social Care, demanding that they give the NHS the support and resources it urgently needs, and asking what they will do to make sure patients and their families in Birmingham never suffer a winter crisis like this year ever again."

B. Councillors Debbie Clancy and Des Flood have given notice of the following Notice of Motion:-

"This Council believes that as the City's parks belong to people of the City and are funded through their taxes that we should keep them free to use and access. As such there should be no charges introduced for car parking in any City park."