

# CITY COUNCIL – 24 MAY 2016

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**CITY COUNCIL – 24 MAY 2016**

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

**“Budget”**

**Question:**

**The Leader has stated that Joseph Stiglitz will be helping with the budget going forward. How many hours’ of his work will be spent on this?**

Answer:

The Labour Party nationally has an advisory panel of world-renowned economists which includes Joseph Stiglitz, Mariana Mazzucato, Thomas Piketty, Danny Blanchflower, Anastasia Nesvetailova and Ann Pettifor. I have spoken with Jeremy Corbyn specifically about looking at how we bring these great minds to thinking more specifically about our regional and city economies; and Birmingham's economic and industrial future, in particular.

We have, too, great world-renowned business and economic academics in this city, such as Professor David Bailey (Professor of Industry at Aston University), who themselves have a huge contribution to make to our city's economic future.

The City of Birmingham needs fresh, innovative and powerful economic thinking to help us harness the potential for substantial and sustainable economic growth in the city over the next ten years in particular.

Councillor Robert Alden may have misunderstood the scope and context of such thinking.

Whilst the revenue and capital budgets of Birmingham City Council are always a challenge, the real issue here is getting the best wider economic thinking for the city. Finding ways to use the academically powerful economic advisory panel of the national Labour Party to assist in our own endeavours in the great City of Birmingham is clearly an opportunity I wish to pursue.

**CITY COUNCIL - 24 MAY 2016**

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

**"Support for WABs being withdrawn"**

**Question:**

Review of councillor community engagement has been positive about the continuation of ward advisory boards in some wards. However, it now appears that support for WABs is being withdrawn on central orders. Can the Leader confirm whether this is the case?

**Answer:**

As part of the local leadership role of councillors it is for ward members to decide on the ways that they wish to engage with their local communities. Officer support is provided at Ward Committees/Forums.

**CITY COUNCIL – 24 MAY 2016**

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

**“I saw a mouse, where? ...”**

**Question:**

**Could the Leader of the City Council advise us as to what risk assessments are place in to address the problem of rodents during the demolition of the Library?**

**Answer:**

The demolition of the Central Library is being overseen by Carillion and they have employed a pest control company to undertake proactive pest control at the border of the demolition site. Our Environmental Health team met with Carillion on 14<sup>th</sup> March and determined that all of the drains and sewers had been appropriately capped to prevent waste and rodents moving from the site through the sewers and that treatment works were in place to prevent displacement if problems existed. In addition, Carillion undertook daily cleaning schedules to remove litter and to hose down walkways to maintain the site in the immediate vicinity of the demolition works.

**CITY COUNCIL – 24 MAY 2016**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
SERVICES FROM COUNCILLOR RANDAL BREW**

**“SENAR”**

**Question:**

**SENAR has again failed in its statutory duty to carry out transfer reviews from statements to EHCPs for all children moving from primary to secondary by 15th February 2016. We are the ninth worst performing authority in the country with regard to this duty. Considering previous year's failings, assurances given and the funding provided by the DfE to facilitate this process, how has this been allowed to happen?**

**Answer:**

This performance level is unacceptable and officers are being held to account for it.

I will be leading a cross party commission into addressing performance in this area.

**CITY COUNCIL – 24 MAY 2016**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR DEBBIE CLANCY**

**“Barring Orders”**

**Question:**

**What is the update on the remedial action taken to prevent any further tribunal barring orders being issued to SENAR of which you have advised us in previous written answers?**

**Specifically this should include the "increase" from 4 x 0.5 FTE to 2 x FTE which was to take place and of any barring orders issued since the last full council meeting.**

**Answer:**

In Sept 2014, as part of the implementation of the SEN Reforms, the service was enhanced from 1.0 FTE to 2.0 FTE. This is delivered by 4 members of staff working 0.5 each on Tribunal activity.

Since this issue was last raised more robust tracking and monitoring procedures have been put in place. This has included an internal review of the process and procedures, greater clarity of roles and responsibilities for officers in the team and robust oversight of the process involving daily and weekly tracking by the management team.

However, the real issue is why Birmingham has so many Tribunal Appeals compared to other Local Authorities, and why there is a reliance on such an expensive and stressful process to resolve disputes between parents and the Local Authority whereas less formal procedures such as mediation could be used.

There have been no barring orders issued since the last full council meeting, however this remains a high risk due to the volume and reliance on inadequate data and IT systems. It is being monitored on a daily basis.

**CITY COUNCIL – 24 MAY 2016**

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

**“Children's Needs”**

**Question:**

**Recent reports from, and conversations with, council officers have highlighted the fact that nationally 2.8% of the population have statements of special educational needs or Education Health & Care Plans compared to 3.9% in Birmingham. This is being interpreted as meaning that "too many" children have these legally binding documents and that there needs to be a pathway for them to move out of special provision and into mainstream.**

**Other than the bare statistical fact, which is meaningless in and of itself (and given also that the vast majority of decisions not to assess that are challenged at tribunal are conceded by the council before hearings take place), can you tell me what evidence has been gathered to support the hypothesis that "too many" children and young people in Birmingham have statements or EHCPs?**

**Please note that I am asking a question about evidence of children's needs, not about what funding may or may not be available to meet those needs in the future.**

**Answer:**

The percentage of the population with statements of special educational needs or Education Health and Care Plans in Birmingham is very unusually high when compared to other Core Cities. This raises questions about whether the Statutory SEN Assessment and Education Health and Care Plan process is the most appropriate way to address the needs of many of these children.

I will be leading a cross party commission into addressing performance in this area.



**CITY COUNCIL – 24 MAY 2016**

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

**“External Support”**

**Question:**

**What is the breakdown of the external support (by which I mean consultants, interim managers, private companies and any other non BCC employed staff) that have been utilised within the part of the directorate responsible for children with complex needs (including, but not limited to SENAR) over the past three years, specifying the cost and purpose of each piece of support?**

**Answer:**

This question requires detailed analysis of financial records held across a number of services. Officers will collate the information requested and send it to you.

CITY COUNCIL – 24 MAY 2016

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

**“External Support 2”**

**Question:**

**Can you please explain why external support (by which I mean consultants, interim managers, private companies and any other non BCC employed staff) has been utilised to the extent it has within the part of the directorate responsible for children with complex needs (including, but not limited to, SENAR), given the highly paid senior managers we have working for us?**

**Answer:**

External support has been used for implementing a major change programme and modernising ways of working. This has been part of the wider external support provided for the Education Service, the Directorate and the Council following intervention and improvement planning.

**CITY COUNCIL – 24 MAY 2016**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S  
SERVICES FROM COUNCILLOR GARY SAMBROOK**

**“PRU”**

**Question:**

**Can the Cabinet Member tell me what is the total number of children and young people who are currently in Pupil Referral Units in the city, specifying how many of them have been in such units longer for six months, one year, two years and three years and, of those, how many had statements or EHCPs on arrival, how many have requested them and how many have been given one during their time at the PRU?**

**Answer:**

Thank you for the question.

According to the data held by the City of Birmingham School, the Pupil Referral Unit for Birmingham, there are currently 500 pupils on roll and 28 of these have EHC plans or statements.

Officers are collating the rest of the data and information you have requested.

However, the fundamental question to ask is “Why so many children are permanently excluded from schools and why it appears to be so difficult to arrange a return to a mainstream school in a large number of cases?”

CITY COUNCIL – 24 MAY 2016

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR MATT BENNETT**

**“Young People”**

**Question:**

**What is the total number of children and young people with statements or EHCPs whose primary need is Social, Emotional & Mental Health issues, specifying how many are in mainstream schools, special schools (listing each special school), pupil referral units, independent schools, home educated and any other category (eg without a place or missing from education)?**

**Answer:**

780 children and young people in Birmingham have a statement or ECHP with Social Emotional and Mental Health as a primary need as of Jan 2015. Starting in 2016 the DfE are changing the way they present data in the national statistics publications on SEN in England, with further information being published in June and July.

Officers will collate the detailed data and information requested.

Officers are already engaging with elected members, schools and key partners to discuss the development of a strategic approach to how Social, Emotional and Mental Health needs can be met in **all** educational settings across Birmingham city.

**CITY COUNCIL – 24 MAY 2016**

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

**“SENAR 2”**

**Question:**

**SENAR has once again failed in its statutory duty to carry out EHC transfer reviews for all children and young people moving from school to a post 16 institution by 31st March 2016.**

**Of an estimated 427 (and the council were unable to provide an exact figure) only 4 were completed before the deadline and SENAR were permitted to set a local deadline of 31st May, well after the statutory deadline. Given the failings and subsequent assurances of previous years, not to mention the substantial funding from the DfE, how was this permitted to happen?**

**Answer:**

As stated in my answer to the question put by your colleague, Cllr Randal Brew (B1), this performance level is unacceptable and officers are being held to account for it.

I will be leading a cross party commission into addressing performance in this area.

**CITY COUNCIL - 24 MAY 2016**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR SUSTAINABILITY  
FROM COUNCILLOR JON HUNT**

**"Flytipping on private land"**

**Question:**

Residents who ring the Council call centre about flytipping on land that is not publicly owned are being told the Council will not do anything about private land. Can the Cabinet Member set out the Council's powers, duties and policies in respect of flytipping on private land?

**Answer:**

Fly-tipping is the illegal dumping of waste and this is a criminal offence irrespective of who owns the land which is affected. This offence is distinct from situations where an owner or occupier of land allows waste to accumulate either through a positive action or neglect. This problem is not fly-tipping and has to be dealt with in other ways.

In terms of responsibility for clearance of fly-tipping the legal duty rests entirely with the lawful occupier or owner of the land in question. Consequently, even though private land occupiers and owners may be the victims of crime they are legally responsible for dealing with the waste. The Council has no legal duty to intervene and we would only seek to do so where there is a significant statutory requirement or public interest requirement to do so, for example in cases where fly-tipped waste has an active rodent infestation; is causing a statutory nuisance; or is detrimental to the amenity of the neighbourhood; or is hazardous in some way.

The powers to tackle problems associated with fly-tipped waste are set out in various statutes including the Prevention of Damage by Pests Act 1949, Environmental Protection Act 1990, Town and Country Planning Act 1990, Public Health Act 1936 and Anti-social Behaviour, Crime and Policing Act 2014. Significant complication occurs with effectively using these statutes in relation to 'private' land which has no registered owners and estimates suggest that as much as a quarter of all land has no clear ownership status.

Where private land has been fly-tipped, the Council's regulatory officers seek to collaborate with land owner, where they are known, to facilitate its effective removal. However, unless there is an associated issue with the waste where we can take action we have no direct legal ability to require land owners to remove fly-tipping. This is because the primary legislation under Section 59 of the Environmental Protection Act 1990 gives an explicit legal defence and right of appeal against any

request to clear fly-tipped waste if the land owner can confirm that they neither had any knowledge of the tipping or gave any permission for it to happen.

In terms of tackling fly-tippers the primary policies that the Council operate to are the Government's *Code for Crown Prosecutors* and our local *Enforcement Policy* which is reviewed and published annually.

Fly-tipping is not acceptable and our message is that we can and we will prosecute offenders. We have significantly increased prosecution activity which is evidenced by recent cases where prolific fly-tippers were handed prison sentences. However, the Council isn't doing the fly-tipping and to tackle offenders we need help from the public and for all those who see offenders to come forward and report it to us and most importantly for them to be prepared to give evidence in court to support prosecution.

**CITY COUNCIL - 24 MAY 2016**

**WRITTEN QUESTION TO THE CABINET MEMBER FOR SUSTAINABILITY  
FROM COUNCILLOR ZAKER CHOUDHRY**

**"How many reports of flytipping - private land"**

**Question:**

Can the Cabinet Member indicate the number of reports the Council receives of flytipping on private land, by month, stating whether these are classified as flytipping incidents or not?

**Answer:**

Fly tipping reports are recorded by the Council as "Rubbish on Land" or "Rubbish on Highways".

At the point of contact by the reporter we do not record fly tipping as being on "Private land".

There is no category for and no explicit recording requirement by the Council in relation to the status of the land ownership. There are several reasons for this including that persons reporting fly-tipping often may themselves not know who owns the fly-tipped land.

Although the specific incidents by 'private land' categorisation requested by Cllr Choudhry is not recorded and therefore not available, there are reporting categories for "council land" "private / residential" and "highways" to DEFRA, however this information is only identified and recorded at the point when rubbish is collected by the depots or when the Council becomes aware of the status of the land. We know that for last year approximately 12% of recorded incidents related to land that was not under council ownership or control.