

BIRMINGHAM CITY COUNCIL

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TUESDAY, 15 JANUARY 2019 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.

2 DECLARATIONS OF INTERESTS

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

5 - 78

3 MINUTES

To confirm and authorise the signing of the Minutes of the meeting of the Council held on 4 December 2018.

4 LORD MAYOR'S ANNOUNCEMENTS

(1400-1410)

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

5 PETITIONS

(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.

6 **QUESTION TIME**

(90 minutes allocated) (1425-1555)

To deal with oral questions in accordance with Standing Order 10.3

- A. Questions from Members of the Public to any Cabinet Member 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 to a Cabinet Member (25 minutes)
- D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (25 minutes)

7 **APPOINTMENTS BY THE COUNCIL**

(5 minutes allocated) (1555-1600)

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

8 **EXEMPTION FROM STANDING ORDERS**

Councillor Martin Straker Welds to move an exemption from Standing Orders.

79 - 108

9 **ANNUAL REVIEW OF THE CITY COUNCIL'S COUNCIL TAX SUPPORT SCHEME**

(10 minutes allocated) (1600-1610)

The Leader Councillor Ian Ward to move the following Motion:

"That approval be given to retain the current Council Tax Support Scheme for the next financial year (2019-2020) notwithstanding any prescribed changes set by Government and/or annual uprating.

Where there is a recommendation subsequently made in future years, that there are no changes required to the scheme for the proceeding year that delegated authority is granted to the appropriate senior officers to authorise the scheme within the Benefits Service."

109 - 154

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

(20 minutes allocated) (1610 - 1630)

To consider a report of the Licensing and Public Health Committee.

Councillor Barbara Dring to move the following Motion:

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

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

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

(break 1630-1700)

155 - 166

11 **CITY OF SANCTUARY POLICY STATEMENT 2018-22**

(20 minutes allocated) (1700-1720)

To consider a report of the Cabinet Member for Social Inclusion, Community Safety and Equality.

Councillor Tristan Chatfield to move the following Motion:

"That the City of Sanctuary policy statement (Appendix 1) is approved as the City Council's new commitment to supporting the resettlement and integration of asylum seekers, refugees and migrants in Birmingham. In addition that the Assistant Chief Executive and Corporate Director for Adult Social Care and Health be authorised to publish and disseminate the document as appropriate.

167 - 240

12 **BREXIT**

(45 minutes allocated) (1720-1805)

To consider a report of the Deputy Leader

The Deputy Leader Councillor Brigid Jones to move the following Motion:

"That the City Council: note the contents of the report."

241 - 244

13 **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

(90 minutes allocated) (1805-1935)

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



**MEETING OF BIRMINGHAM
CITY COUNCIL, TUESDAY,
4 DECEMBER, 2018**

**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 4 DECEMBER 2018 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Deputy Lord Mayor (Councillor John Lines) in the Chair.

Councillors

Muhammad Afzal	Mohammed Fazal	Mary Locke
Akhlaq Ahmed	Peter Fowler	Ewan Mackey
Mohammed Aikhlaq	Jayne Francis	Majid Mahmood
Alex Aitken	Eddie Freeman	Zhor Malik
Deirdre Alden	Peter Griffiths	Karen McCarthy
Robert Alden	Fred Grindrod	Saddak Miah
Tahir Ali	Paulette Hamilton	Gareth Moore
Olly Armstrong	Roger Harmer	Simon Morrall
Gurdial Singh Atwal	Kath Hartley	Brett O'Reilly
Mohammed Azim	Adam Higgs	John O'Shea
David Barrie	Charlotte Hodivala	David Pears
Baber Baz	Jon Hunt	Robert Pocock
Bob Beauchamp	Mahmood Hussain	Julien Pritchard
Matt Bennett	Shabrana Hussain	Hendrina Quinnen
Kate Booth	Timothy Huxtable	Chauhdry Rashid
Nicky Brennan	Mohammed Idrees	Carl Rice
Marje Bridle	Ziaul Islam	Lou Robson
Mick Brown	Morriam Jan	Gary Sambrook
Tristan Chatfield	Kerry Jenkins	Lucy Seymour-Smith
Zaker Choudhry	Meirion Jenkins	Shafique Shah
Debbie Clancy	Julie Johnson	Mike Sharpe
John Clancy	Brigid Jones	Ron Storer
Liz Clements	Josh Jones	Martin Straker Welds
Maureen Cornish	Nagina Kauser	Sharon Thompson
John Cotton	Zaheer Khan	Paul Tilsley
Phil Davis	Chaman Lal	Lisa Trickett
Adrian Delaney	Mike Leddy	Mike Ward
Diane Donaldson	Bruce Lines	Ken Wood
Barbara Dring	John Lines	Alex Yip
Neil Eustace	Keith Linnecor	Waseem Zaffar

NOTICE OF RECORDING

- 19115 The Deputy 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 Deputy Lord Mayor reminded Members that they did not enjoy Parliamentary Privilege in relation to debates in the Chamber and Members should be careful in what they say during all debates that afternoon

DECLARATIONS OF INTERESTS

- 19116 The Deputy Lord Mayor reminded members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting.

Several Members sought to declare that they were in a union but the City Solicitor indicated that members had made such a declaration previously and did not need to do so at this meeting unless they had not done so at a previous meeting.

MINUTES

It was moved by the Deputy Lord Mayor, seconded and –

- 19117 **RESOLVED:-**

That the Minutes of the meeting held on 6 November 2018 having been circulated to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

- 19118 The Deputy Lord Mayor indicated that he had no announcements.
-

PETITIONS

Petition Relating to External Organisations Presented at the Meeting

The following petition was presented:-

(See document No. 1)

In accordance with the proposal by the Member presenting the petition, it was moved by the Deputy Lord Mayor, seconded and -

19119 **RESOLVED:-**

That the petitions be received and referred to the relevant external organisation.

Petitions Relating to City Council Functions Presented at the Meeting

The following petitions were presented:-

(See document No. 2)

In accordance with the proposals by the Members presenting the petitions, it was moved by the Deputy Lord Mayor, seconded and -

19120 **RESOLVED:-**

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

Petitions Update

The following Petitions Update had been made available electronically:-

(See document No. 3)

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

19121 **RESOLVED:-**

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

QUESTION TIME

19122 The Council proceeded to consider Oral Questions in accordance with Standing Order 10.3.

Whilst Councillor Fred Grindrod was asking a question on Brexit he advised the Chamber that he had been appointed on to the Birmingham City Council's Brexit Commission as a representative of the Economy and Skills Overview and Scrutiny Committee.

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

APPOINTMENTS BY THE COUNCIL

19123 There were no appointments to be made

EXEMPTION FROM STANDING ORDERS

It was moved by Councillor Martin Straker Welds, seconded and

19124

RESOLVED:-

That, pursuant to discussions by Council Business Management Committee, Standing Orders be waived as follows:

- Allocate 35 Minutes for item 9 (Forward Together to Build a Fair and Inclusive City for Everyone: A Community Cohesion Strategy for Birmingham)
- Allocate 40 Minutes for item 10 (Women & Democracy)

FORWARD TOGETHER TO BUILD A FAIR AND INCLUSIVE CITY FOR EVERYONE: A COMMUNITY COHESION STRATEGY FOR BIRMINGHAM

The following report of the Cabinet Member for Social Inclusion, Community Safety and Equality was submitted:-

(See document No. 4)

Councillor Tristan Chatfield moved the motion which was seconded by Councillor Ewan Mackey.

A debate ensued.

Councillor Tristan Chatfield 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-

19125

RESOLVED:-

That the City Council:

- Adopt the Community Cohesion Strategy for Birmingham as set out at Appendix 1.
 - Note city partners have been invited to adopt the Strategy as the city's approach to community cohesion.
-

WOMEN & DEMOCRACY

The following report of the Deputy Leader and the Cabinet Member for Social Inclusion, Community Safety and Equality was submitted:-

(See document No. 5)

The Deputy Leader Councillor Brigid Jones moved the motion during which she indicated that the first point of the Liberal Democrat amendment was acceptable but the second point was for another debate. The Motion was seconded.

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

(See document No. 6)

Councillor Jon Hunt moved the amendment, during which he confirmed that he was removing the second point, which was seconded by Councillor Morriam Jan.

A debate ensued.

The Deputy Leader Councillor Brigid Jones replied to the debate

The amended 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-

19126

RESOLVED:-

- A. That the attached Statement of Intent is agreed;
- B. That Cabinet Members and named officers are asked to implement the action plan included within the report in order to tackle the many barriers to women's representation in Local Government;
- C. Add the following to action plan:-

Noting the small proportion of women representing the new single member wards, to lobby the Boundary Commission for a further review of city wards to tackle this issue.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

19127

RESOLVED:-

That the Council be adjourned until 1705 hours on this day.

The Council then adjourned at 1635 hours.

At 1705 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(i).

A. Councillor Kerry Jenkins and Nicky Brennan have given notice of the following motion.

(See document No. 7)

Councillor Kerry Jenkins moved the Motion, which was seconded by Councillor Nicky Brennan.

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

(See document No. 8)

Councillor Debbie Clancy moved the amendment

In response to the Deputy Lord Mayor, Councillor Kerry Jenkins confirmed that she could not accept the removal the first 7 bullet points as suggested in the first part of the amendment but could accept the 4th bullet point suggested in the second part of the amendment.

The amendment seconded by Councillor Deirdre Alden who confirmed that, in view of Councillor Kerry Jenkins comments, there was no agreement and the amendment remained as it was.

A debate ensued during which Councillor Gary Sambrook indicated that Members should address the Chamber through the Lord Mayor/Deputy Lord Mayor chairing the meeting and not shout and point across the Chamber.

Councillor Kerry Jenkins replied to the debate.

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

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-

19128

RESOLVED:-

This Council notes that:

- 42% of children in Birmingham are living in poverty;
- The Trussell Trust reports a 40.6% increase in demand at its Birmingham food banks from September 2017 to September 2018;
- A survey undertaken by Plan International UK last year found that 1 in 10 teenage girls had been unable to afford sanitary products;
- 56% of teenage girls said they would rather be bullied at school than talk to their parents about periods;
- This is particularly problematic for girls from low-income families who see their parents struggling to make ends meet and feel reluctant to ask them to add sanitary products to the weekly shop;
- In many cases, as a result, they may lose a significant number of days of schooling or be unable to take part in all school activities;
- In his recent damning report on the impacts of austerity in the United Kingdom, United Nations Special Rapporteur on extreme poverty and human rights, Professor Philip Alston concluded that 'Women are particularly affected by poverty.' One of the consequences of this has been an increase in period poverty and regrettably, even women in low-income employment are sometimes unable to afford good quality sanitary products when struggling to meet household bills and feed their families;
- In a country as well-off as Britain 'Period Poverty' is a scandal that should be ended.

This Council commends the:

- Scottish Government for its commitment to tackle 'Period Poverty' by introducing free sanitary products in all educational establishments;
- Project recently established by the charity Red Box who facilitate the distribution of sanitary products to students in need;
- Period poverty dignity campaigns launched by trade unions which are raising public awareness of period poverty.

This Council resolves to:

- Ask the Health and Well-Being Overview & Scrutiny Committee to work with relevant Cabinet Members, officers and partners to explore how sanitary products can be made available free of charge to female students in Birmingham's schools and colleges and to women employed in or visiting council run buildings;
- Write to the Chancellor of the Exchequer asking the Government to provide the necessary funding to cover the cost of providing free sanitary products to girls and women in council workplaces, schools and colleges and scrap the VAT levied on female sanitary products as soon as is practicable and, in the meantime, to use the VAT collected on these products to fund the provision of free sanitary products for girls and women in need.

B. Councillor Peter Fowler and Simon Morrall have given notice of the following motion.

(See document No. 9)

Councillor Peter Fowler moved the Motion which was seconded by Councillor Simon Morrall.

In accordance with Council Standing Orders, Councillors Mike Sharpe and Diane Donaldson gave notice of the following amendment to the Motion:-

(See document No. 10)

Councillor Mike Sharpe moved the amendment which was seconded by Councillor Diane Donaldson.

A debate ensued.

Councillor Peter Fowler replied to the debate during which he indicated that discussions had taken place with the mover of the amendment and he wished to amend the motion as follows:-

In the second paragraph change 'West Midlands Mayor' to 'West Midlands Authority'

In the fourth paragraph the first sentence to read 'As such this Council calls for Scrutiny to examine with the Armed Forces Champions and reported back to Full Council to look at:'

The last paragraph in the amendment be added to the end of the motion with the rest of the amendment being withdrawn.

The Deputy Lord Mayor was of the opinion that the amendment had fallen so did not require a vote.

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

It was therefore-

19129

RESOLVED:-

This Council welcomes the publication of the first UK wide veterans strategy by the UK, Welsh and Scottish Governments to support ex armed forces personnel with community and relationships, employment and skills, health and well-being, finance and debt, housing, and contact with the law.

This Council also welcomes the commitment of the West Midlands Combined Authority to closing the employment gap for veterans across the region via a new strand of the Mayor's Mentor Programme and a new

scheme to harness the skills of veterans to become trainers in the construction industry.

This Council notes that, since signing the Armed Forces covenant in February 2012 with cross party support, the Council has embedded support to veterans within a number of key policies. However this Council believes that, with the publication of a new national strategy and in order to mark the end of centenary commemorations of the Armistice it is timely to look again at how the Council supports veterans across the full range of its responsibilities as well as how it works with partners at a local and regional level to ensure the best possible care and support for those who have risked so much for our Country.

As such this Council calls for Scrutiny to examine with the Armed Forces Champions and reported back to Full Council to look at:

- How the Council currently supports veterans, including how successfully it is meeting its commitments under the Armed Forces Covenant and how this can be improved
- To look specifically at the current housing offer and how to ensure that this is addressing the need of veterans in the City
- How the Council currently works with partners to deliver support to veterans at a local and regional level and how this can be improved
- Identify any extra areas of support that the Council can provide either itself or in partnership through looking at best practice elsewhere and by engaging with veterans groups to see where more support may be beneficial
- Identify areas where we can help build better understanding amongst the wider community, especially younger people, by engaging with schools and youth groups such as the Scouts and Cadets
- Identify any areas where the council can constructively feedback to national government for policy changes or additional support to enable the Council to deliver the Government's aims and objectives for veterans at a local level.

In addition the Council also calls on the Executive, at the end of this Review, to write to all armed forces and key armed forces organisations (such as the Royal British Legion) setting out the Birmingham offer, along with details on how to access support to encourage full take up for all eligible individuals.

Council calls on the Government to put funding and resources in place to enable councils and other public bodies to comprehensively support veterans.

C. Councillor Julien Pritchard and Roger Harmer have given notice of the following motion.

(See document No. 11)

The Lord Mayor advised that as the finishing time for the meeting had been reached the remaining motions and amendments should be moved and seconded formally (without comment) and following which they would be put to the vote without discussion.

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

In accordance with Council Standing Orders, Councillors Brigid Jones and John Cotton gave notice of the following amendment to the Motion:-

(See document No. 12)

Councillor Brigid Jones formally moved the amendment which was formally seconded by Councillor John Cotton.

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-

19130

RESOLVED:-

This Council notes that:

- Birmingham City Council has approximately 64,000 Council homes.
- Birmingham City Council has recently built its 3,000th new council house since 2009.
- The city is undergoing a large amount of regeneration and building of new housing.
- Plans for regeneration projects such as in Druids Heath are seeing a reduction in the amount of council housing.
- The Mayor of London has introduced a requirement for all new regeneration projects to have a residents' ballot.
- The Birmingham Development Plan seeks to achieve 35% of affordable homes in all new developments of more than 15 dwellings.
- Residents on lower incomes are more likely to be reliant on local support networks and are less able to move to different areas.
- Birmingham City Council does not currently have a right to return or remain policy for residents but the executive have plans to introduce such a policy.
- Birmingham City Council does not currently give affected residents a vote on regeneration plans.
- Housing & Neighbourhoods Overview & Scrutiny Committee has agreed to do an enquiry into a right to return.

The Council recommends that the executive engages with scrutiny to review its policies for regeneration areas to ensure that:

1. Regeneration is planned to meet the City's housing need.
 2. Residents living in a regeneration area have the opportunity to shape and influence plans.
 3. The executive's proposed 'right to return' policy is comprehensive and balanced.
 4. The implications of a residents ballot on regeneration projects is fully explored.
-

The meeting ended at 1840 hours.

APPENDIX

Questions and replies in accordance with Standing Order 10.2.

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

A1 Paradise Grant Thornton

Question:

On what date were the Council's external auditors, Grant Thornton, informed of the issues with the Paradise redevelopment that you have stated you were made aware of in February 2018?

Answer:

Regular monthly meetings take place throughout the year between the council's auditors and the Corporate Director, Finance and Governance. At these meetings all material changes and issues pertaining to the council are discussed. The auditors, as part of their final audit for 2017/18 accounts, which commenced in June 2018 discussed treatment of the council's position on the Paradise development and included a note (page 12) in their Audit Findings Report issued to Audit Committee on 30th July 2018.

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

A2 Local Centres

Question:

For each local centre, how much has been spent by the Council on regeneration in each of the last 6 years?

Answer:

There has been investment in regeneration of the Local Centres in Birmingham in previous years as part of our growth strategy for the city.

However, spend by the Council on this has significantly changed since austerity measures were introduced by the Tory Government. Six years ago, specific Council budgets for regeneration stopped or were winding down due to reduced funding.

Despite this, regeneration has still been taking place in Local Centres through partnership working arrangements, including projects with the Business Improvement Districts and the Local Enterprise Partnership. Rather than using Council budgets, schemes have been brought forward utilising external funding, including the Local Growth Fund and section 106 planning obligations.

With there being over 70 Local Centres in the city, there is not one source of information on the amount spent by the Council or partners on the regeneration of Local Centres in the past six years.

If Councillor Sambrook has questions on a specific Local Centre, then some information may be able to be pulled together.

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

A3 CMIS Private Papers

Question:

Why is the private NEC cabinet report from October 2014 not on CMIS, like other private reports that can be accessed with a secure login?

Answer:

The private report and appendices 2-4 are all on CMIS – accessible with a secure login.

The decision record published on CMIS states:

It was noted that circulation of report appendices 1 and 5 had been restricted by the Cabinet on the advice of the relevant Chief Officer and Director of Legal and Democratic Services to only those Members attending Cabinet and relevant Chief Officers. Those appendices have not been posted on Democracy in Birmingham and paper copies were circulated only to those Members attending Cabinet and relevant Chief Officers.

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

A4 Leader's Development Fund

Question:

What is the purpose of the leader's development fund?

Answer:

The Leader's Development Fund is a historical non-staffing budget within the Chief Executive and Assistant Chief Executive's budget, which provides support to external organisations to enhance the civic, cultural and sporting life of the city.

The current City Council financial system was implemented in 2007 and the Leader's Development Fund was included in 2007/8 reporting. Records prior to this are unavailable.

Since my time as Leader I have utilised this budget to support or match fund events and initiatives for the benefit of the city. Details of the current 2018/19 spend are included in Written Question A5.

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

A5 Leader's Development Fund spend

Question:

What has the leader's development fund been spent on in each year since 2012, including value of each item and per ward?

Answer:

Spend for 2018/19 is highlighted below.

2018/19 Leader's Development Budget - Actual and Committed Spend - Month 8.

Everyman Remembered	£15,000
Armistice Day	£16,600
West Midlands Lieutenancy	£10,000
Harry Gem Tennis Pioneer	£ 1,000
Council House Dressing	£ 2,070
Weoley Castle Armed Forces Event	£ 350
Accommodation Hire - EMT	£ 400
Transportation Costs	£ 4,401
Building Strong Cities Event	£ 9,364
Birmingham Jazz Festival	£10,000
Foster Carers Event	£ 7,500
Other miscellaneous	£ 3,335
Apprenticeship Levy	£ 401
Tackling Problem Gambling Event	£ 2,000
Total	£82,421

To extrapolate the data from the finance system into a format to answer this question from 2012 has not been possible in the time allocated from receiving the written question until Council. This information will be distributed once collated in full.

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

A6 Leader's Development Fund spend in 19/20

Question:

What is the Leader's Development Fund planned to be spent on in 19/20, including value of each item?

Answer:

There are no confirmed commitments to date.

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

A7 Community Infrastructure Levy

Question:

How much of the CIL is planned to be spent on the Commonwealth Games 2022 in future years (including proposed but unconfirmed spend)?

Answer:

A strategy is being developed to determine the priorities for allocating CIL receipts. This will include consideration of appropriate infrastructure to support both the Commonwealth Games and post Commonwealth Games legacy as well as other infrastructure projects in the city.

Officers have proposed a total of £5million of CIL receipts to be spent in Perry Barr which is consistent with the Birmingham Development Plan and associated Infrastructure Delivery Plan, but this is still subject to appropriate Cabinet approvals.

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

A8 NEC ongoing costs

Question:

How much have been spent in each year since the sale of the NEC on any residual debt, pension strain or any other costs associated with the NEC Group, including forecast spend for the remainder of the current MTFP?

Answer:

The net expenditure is as follows:

2015/16 actual	£32.4m
2016/17 actual	£47.9m
2017/18 actual	£7.5m
2018/19 estimate	£31.9m
2019/20 estimate	£31.2m
2020/21 estimate	£31.0m
2021/22 estimate	£30.6m
2022/23 estimate	£29.6m

Notes

1. Following the sale of the NEC Group, the City Council continues to meet the cost of all the outstanding debt raised to fund the NEC Group capital assets. However, following the sale, the City Council has retained the freehold of all NEC Group sites and given short leases at The ICC Birmingham and Arena Birmingham. The legacy costs have remained since the sale proceeds were not used to pay off historic NEC debts.
2. The figures exclude the financing charges related to the historic NEC Group capital expenditure prior to the introduction of the prudential borrowing regime in 2004, since the City Council cannot separately identify the cost of individual capital schemes.
3. In 2015/16 and 2016/17 the City Council created an accounting provision for a potential contribution to NEC Pension schemes. This sum was released in 2017/18 when an asset backed funding arrangement was introduced. The figures above include the impact of these transactions together with the ongoing cost of the asset backed funding arrangement.
4. The figures above include income now included directly within the City Council's group accounts following the sale of NEC Group.
5. The ongoing commitment is in line with, but slightly less than figures reported to Cabinet at the time of the NEC sale.

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

A9 Project Overspends

Question:

The capital programme, currently requires an overspend of >10% or £200k (whichever is greater) to have a revised business case back to the original approver. Which projects have met this threshold in the last 4 years, including when the revised business case was approved and by whom?

Answer:

Capital Schemes - Project Overspends Analysis (2014/15 to 2017/18)

Scheme	Revised Business Case Approved by	Revised Business Case Approval Date
Chester Road	Report of the Strategic Director of Economy Under Delegated Authority	13-Jan-17
Swimming Pool Facilities	being investigated	
Community Sport	being investigated	
Community Development & Play	being investigated	
New Wholesale Market	Capital & Treasury Management Monitoring Quarter 2 (July to September 2016) report to Cabinet	15-Nov-16
New Wholesale Market	Capital & Treasury Management Monitoring Quarter 1 (April to June 2017) report to Cabinet	13-Sep-17
Big City Plan Initiative	Director of Planning & Regeneration report to Cabinet	20-Apr-15
Sparkhill Pool	Acting Strategic Director of Place report to Cabinet	17-Nov-15

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

A10 Channel 4 £52k spend

Question:

What is the breakdown of how the £52k the council put into the Channel 4 bid was spent?

Answer:

The funding towards the Channel 4 Bid was provided in two stages. For the first round of the bid process, costs were split equally between Birmingham City Council, GBSLEP, Coventry City Council, Coventry and Warwickshire LEP, and WM Growth Company with each providing a £12.5K contribution.

The bid process was coordinated by the West Midlands Growth Company, with KPMG appointed to project manage and provide necessary specialist input to the bidding process, alongside BOP which provided specialist media and broadcasting industry input, contacts and guidance. This stage also included the production of dedicated marketing, social media campaigns and document production.

Following the shortlisting to just 3 city locations, a significant amount of work was then required to develop Birmingham's detailed proposition for the final stage of the HQ bid. The additional cost totalling £120k was shared equally between Birmingham City Council, GBSLEP and the West Midlands Combined Authority, and the West Midlands Growth Company continued to coordinate.

The second stage costs included the development of new skills, talent development and educational accelerator propositions for local colleges, schools and universities that would support the growth of the creative industries sector that would have been in partnership with Channel 4. In addition, project management, programme development, bid drafting, legal and property advice (including a draft Heads of Terms) were also included.

Throughout the bid process, there was a significant amount of time and work provided in good-will by many leading organisations and individuals in support of the development of the detailed proposals behind the bid. Private sector resources also contributed in terms of developing proposals for the physical location of the Channel 4 offices and studio, both in terms of initial and permanent property propositions.

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

A11 Channel 4 £52k Officer time

Question:

What is the total number of hours spent by Council Officers on the Channel 4 bid, including the associated salary costs?

Answer:

A range of Council officers, across several salary grades spent varying amounts of time on the Channel 4 bid to ensure that Birmingham and the City Council were fully engaged and represented in the different stages of the bid process. No precise records of hours spent were formally recorded and in the time allocated from receiving the written question until Council it has not been possible to collate this information. It will be distributed once collated.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
SUZANNE WEBB**

A12 Paradise Development repayment

Question:

For the requested additional £50m for the paradise redevelopment what are the forecast repayment terms from future business rates income (i.e. how much per year and for how many years)?

Answer:

Under the Paradise development model, the City Council would borrow the additional requested sum under prudential borrowing to be repaid by the Enterprise Zone Investment Plan (EZIP) end date of 2045/46. The current assumption in the model is a weighted average interest rate based on PWLB borrowing rates over a term of up to 24 years.

Additional business rate income (NNDR) being generated by the new developments from 2022/23 would increase incrementally in line with occupancy estimates and indexation each year and will cover all financing charges over the same period resulting in a net zero impact on the City Council's General Fund.

Any shortfall in additional business rate income is underwritten by a Developer's guarantee.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
JULIEN PRITCHARD**

A13 Climate Change

Question:

“How far along we are to meeting our climate change target of 60% cuts in CO₂ by 2027? What percentage cuts in CO₂ emissions have already been achieved?”

Answer:

The Council’s target of 60% reduction in carbon emissions by 2027 represents a reduction from 6.874mn tonnes from the baseline set in 1990 to 2.7496mn tonnes by 2027.

The Carbon reduction figures are measured every 2 years , whereby the current data for Birmingham’s total emissions for 2016 were 4,467,000 tonnes. The percentage cut in CO₂ is therefore 33.7% against the 1990 baseline.

Of the remaining 4,467,000 tonnes, 33.4% of emissions are from industry and commercial, 33.9% from domestic and 32.7% from transport.

WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR PETER FOWLER

B In-house lawyers

Question:

How many in-house lawyers are currently employed by the council?

Answer:

There are 74.9 full time equivalent (FTE) Lawyers.

This is made up of 67.2 FTE practising Solicitors and 7.7 FTE Legal Executives.

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

C Impact - reduction of £1 million - Children's Trust

Question:

Could the cabinet member set out the impact on children's services on the proposed reduction of £1 million in the contract with the Children's Trust in next year's budget proposals?

Answer:

The Children's Trust has developed plans that enable it to deliver this contract change saving without impacting adversely on children, young people and families.

The Trust has identified a number of areas where increased efficiency in the way services are provided will lead to real savings. The Trust was established, in part, to be able to move quickly to change the design and delivery of its services to citizens and its internal support services.

More active management of care placements and costs, increasingly efficient 'back office' support and continuing to reduce the cost of staffing by recruiting more social workers, leading to less reliance on more expensive agency social workers, will all contribute to achieving the saving without any change to the service offer the Trust makes to children, young people and families

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

D1 Rats

Question:

How many reports of rats has the council received in each of the last 10 years?

Answer:

Please find the numbers of rat complaints received by the council's Pest Control Team and Environmental Health Team.

No of Rat jobs received by EH	YEAR										
Job type	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Rat Domestic	34037	32614	31343	26754	21072	15647	16476	13176	10733	11027	12644
Rat - Commercial	319	252	246	193	195	200	263	225	163	148	144
Rats or Mice All Contracts	249	310	384	407	426	411	462	369	334	260	413
EH Pest Complaint	696	635	613	428	339	241	303	186	138	177	195
Grand Total	35301	33811	32586	27782	22032	16499	17504	13956	11368	11612	13396

Key

Rat Domestic	Rat in residential properties or gardens
Rat Commercial	Any site which is not domestic. May include business property, open land or land with no ownership.
Rats and Mice All contracts	Rat commercial jobs held by the pest control team
EH Pest Complaints	Rat complaints to Environmental Health where Environmental Health Officers have investigated.

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

D2 Recycling

Question:

Both with and without including bottom ash, what was the performance by quarter of recycling in 15/16 and 16/17?

Answer:

Waste Management have only been reporting monthly levels of Incinerator Bottom Ash (IBA) as part of its recycling performance since April 2018, as it is considered as a legitimate recycle.

As a result the recycling figures for 2015/16 and 2016/17 are below, but do not include monthly IBA percentages, however historically the annual recycling levels for the City would have increased by approximately 11.5% with the inclusion of IBA. This level has remained static over the last three years.

% of Household waste which is reused, recycled and composted.

%	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
15/16	28.27	27.75	26.19	29.54	29.23	30.53	30.36	30.36	29.73	29.35	29.3	28.6
16/17	27.31	27	26.8	28.23	29.29	29.41	29	28.57	29.05	29	27.98	27.98

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

D3 Invoices for waste collections services

Question:

What is total value of any unpaid and/or disputed invoices for waste collection contractors?

Answer:

We are not aware of any disputed invoices but are aware of one unpaid invoice for Waste Collection Contractors. The value of this outstanding invoice is considered to be commercially sensitive, however it is in the process of being paid and this has been accounted for in the budget.

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

D4 Wastecollection.com

Question:

What is the total amount of outstanding invoices for the firm ‘wastecollection.com’, including any invoices that are disputed?

Answer:

We are not aware of any disputed invoices but are aware of one unpaid invoice for the firm ‘wastecollection.com’. The value of this outstanding invoice is considered to be commercially sensitive, however it is in the process of being paid and this has been accounted for in the budget.

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

D5 Street Cleansing

Question:

**From January 17 until the end of May 18 – how much was spent per week on street
cleansing in each ward?**

Answer:

This information is not available as the financial information does not record the relevant data
in the detail requested.

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

D6 HRA spend on waste

Question:

How much money from the Housing Revenue Account was spent on clearing waste during last summer's industrial dispute?

Answer:

The overall figure for waste removal equated to £817,980. This spend and allocated budget is currently under review.

The HRA is responsible for keeping housing land clear of litter and refuse and this is part of the on-going cleaning arrangements.

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

D7 HRA spend on waste

Question:

How much money was spent per tower block during last summer's industrial dispute to clear waste over and above the usual waste collection spend, including which budget line this money came from?

Answer:

It is not possible to breakdown the cost of removing waste from the City's Tower Blocks by each individual block however, the overall figure for waste removal equated to £817,980. This spend and allocated budget is currently under review.

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

D8 Fly-tipping pilot

Question:

Can you please publish the findings of the £200k pilot in 2018/19 for the reduction in the level of non-highway fly-posting and fly-tipping across the city, to include how, why and where the money was spent and the outcomes seen?

Answer:

The budget for the placarding and flyposting team was £155,000 and was given to the Waste Enforcement Unit to support three officers to undertake investigations in to the illegal advertising across the City and assistance with fly tipping issues.

The officers were recruited and began operating in April 2018 and have been delivering the service to date.

In respect of fly posting the officers have removed 2410 unauthorised advertisements to secure evidence. 302 businesses were identified and investigated and issued with Community Protection Warnings. As part of these warnings the businesses are ordered to remove any other advertising they may have or the notices will be escalated to community protection notices.

Demands for information regarding trade waste contracts are also requested to ensure compliance with the Environmental Protection Act.

65 Community Protection Notices (CPN) have been issued for further non-compliance. Of which 38 resulted in £100 Fixed Penalty Notices being issued for further breaches of the CPN and a further 12 prosecution reports being submitted to Legal Services for consideration.

Since April we have seen a dramatic decrease in the numbers of illegal advertising, in May 2018 we removed 683 and in November we removed 216 adverts. We are also seeing businesses that have previously failed to comply with requests to remove advertising, now comply. In fact, most businesses we have been in contact are now complaint and no further signs have been found. The majority of the signs we find presently are from new businesses.

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

D9 WRCO interventions

Question:

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

Answer:

Among the other functions of the WRCOs such as round optimisation, container work etc, there are two main data collection forms which are used by the WRCOs relating to recycling, F01 - Recycling Participation and F02 - Resident Engagement.

Between the 6 November (last Council Meeting) and the 28 November 2018:

- **F01:** 418 of the Recycling Participation forms have been completed. Of these 13 have identified specific streets as only presenting between 0-25% of their recycling bins for collection. All 13 have prompted the Waste Prevention Unit to visit these streets and offer advice and education to residents.
- **F02:** 22 Resident Engagement forms have been completed. These forms document advice and information issued to individual residents by the WRCO.

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

D10 Waste Collection Peer Review

Question:

In response to question D22 at the last full council meeting (6 November) you undertook to take under consideration the suggestion of a peer review into the waste collection service. Having had time to consider that suggestion, will you now be requesting such a review?

Answer:

Yes, I will look at all options that will contribute to improving the service.

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

D11 Waste Collection Council Debate

Question:

Will you commit to a full council debate on the bin service in Nov 2019, including a comparison with all other waste collection authorities?

Answer:

If scrutiny wishes to conduct a review I would be more than happy to contribute.

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

D12 Slabs in Cabs

Question:

Do you think the slabs in cabs were a worthwhile investment?

Answer:

Performance data is key to running a major service such as waste collection. Technological advances should assist with intelligence gathering and evidence to continually improve the service.

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

D13 Broken bins

Question:

For every month since the roll out of wheelie bins (including current year to date) how many residents have been charged for the replacement of a lost or broken bin (if data breaks this down, please provide the split between those lost and broken)?

Answer:

	2014		2015		2016		2017		2018	
	Damaged	Missing	Damaged	Missing	Damaged	Missing	Damaged	Missing	Damaged	Missing
Jan			2	59	29	102	38	152	82	197
Feb			8	46	24	98	28	135	50	177
Mar			5	53	25	78	37	162	66	178
Apr			5	46	30	86	29	100	63	174
May			4	36	27	94	45	115	72	161
Jun	3	20	7	75	35	126	44	137	66	159
Jul	1	19	6	59	32	97	55	160	79	189
Aug	3	22	11	77	25	112	51	99	61	158
Sep	1	26	12	74	33	143	43	151	60	220
Oct	2	31	12	61	29	144	54	171	59	217
Nov	1	10	21	80	23	149	61	149	42	181
Dec	4	38	16	108	19	109	37	119		
Total	15	166	109	774	331	1338	522	1650	700	2011

If a resident has had their wheelie bin for less than 10 working days when it is reported as missing, stolen or damaged, it will be replaced free of charge.

If on the other hand a resident has their wheelie bin for more than 10 working days when it was reported as missing, stolen or damaged, there is a £20 charge to replace it.

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

D14 Sweetheart payments to GMB refuse collectors 1

Question:

Press reports allege that payments of up to £4000 were made to refuse workers in the GMB Union who did not support the bin strike last summer. What were these payments for?

Answer:

The GMB union were not consulted on an MOU that was reached with Unite and Unison in November 2017 in relation to changes to the Waste Management Service.

This failure to consult the GMB union was wrong. As a result, GMB submitted a 'failure to consult' claim at the beginning of this year against the Council which, following legal advice and talks with ACAS, led to a settlement payment to GMB members.

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

D15 Sweetheart payments to GMB refuse collectors 2

Question:

Press reports allege that payments of up to £4000 were made to refuse workers in the GMB Union who did not support the bin strike last summer. Who authorised these payments?

Answer:

The GMB union were not consulted on an MOU that was reached with Unite and Unison in November 2017 in relation to changes to the Waste Management Service.

This failure to consult the GMB union was wrong. As a result, GMB submitted a 'failure to consult' claim at the beginning of this year against the Council which, following legal advice and talks with ACAS, led to a settlement payment to GMB members.

The approval process came within the delegated powers of the relevant Corporate Director, the Corporate Director of Place by way of a Chief Officer report to the Chief Executive and the Chief Finance Officer dated 27th February 2018. This was amended on 23 May 2018 with regard to the level of payment.

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

D16 Sweetheart payments to GMB refuse collectors 3

Question:

Press reports allege that payments of up to £4000 were made to refuse workers in the GMB Union who did not support the bin strike last summer. Which Cabinet Members were made aware of these payments?

Answer:

The GMB union were not consulted on an MOU that was reached with Unite and Unison in November 2017 in relation to changes to the Waste Management Service.

The approval process came within the delegated powers of the relevant Corporate Director, the Corporate Director of Place by way of a Chief Officer report to the Chief Executive and the Chief Finance Officer dated 27th February 2018. Two reports were signed 22nd and 23rd May with regard to the level of payment.

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

D17 Sweetheart payments to GMB refuse collectors 4

Question:

Press reports allege that payments of up to £4000 were made to refuse workers in the GMB Union who did not support the bin strike last summer. What was the approval process for these payments?

Answer:

The GMB union were not consulted on an MOU that was reached with Unite and Unison in November 2017 in relation to changes to the Waste Management Service.

This failure to consult the GMB union was wrong. As a result, GMB submitted a 'failure to consult' claim at the beginning of this year against the Council which, following legal advice and talks with ACAS, led to a settlement payment to GMB members.

The approval process came within the delegated powers of the relevant Corporate Director, the Corporate Director of Place by way of a Chief Officer report to the Chief Executive and the Chief Finance Officer dated 27th February 2018. Two reports were signed 22nd and 23rd May with regard to the level of payment.

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

D18 Sweetheart payments to GMB refuse collectors 5

Question:

Press reports allege that payments of up to £4000 were made to refuse workers in the GMB Union who did not support the bin strike last summer. What legal advice was sought before making these payments?

Answer:

I have been made aware in the last two weeks that advice was sought from the Council's internal legal services team who sought external legal advice before reaching an agreement with GMB (via ACAS). Unfortunately I have not seen the legal advice both internal and external advice but the city solicitor tells me that the advice was to settle the claim brought by GMB.

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

D19 Sweetheart payments to GMB refuse collectors 6

Question:

Press reports allege that payments of up to £4000 were made to refuse workers in the GMB Union who did not support the bin strike last summer. Were similar payments made to any other staff groups in the council?

Answer:

I understand that only GMB Members received payments for a failure to consult claim.

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

D20 Sweetheart payments to GMB refuse collectors 7

Question:

Press reports allege that payments of up to £4000 were made to refuse workers in the GMB Union who did not support the bin strike last summer. Were any other payments made to any bin staff, in any union, over and above usual contractual pay?

Answer:

No. Only members of GMB received additional payments but this was as a result of GMB submitting a 'failure to consult' claim against the Council which, following legal advice and talks with ACAS, led to a settlement payment to GMB members.

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

D21 Assisted Collections Missed

Question:

How many assisted collections have been reported as missed, by month, in the course of this year?

Answer:

Below is a table showing the number of assisted collections reported as missed by month between 1 January and 26 November 2018.

Month	Assisted
Jan	849
Feb	538
Mar	727
Apr	756
May	764
Jun	698
Jul	724
Aug	616
Sep	814
Oct	1807
Nov (part)	1248

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

D22 Assisted Collections Missed 2

Question:

Have the crews been advised they can skip assisted collections when they are struggling to finish their rounds on time?

Answer:

Crews have not been advised to 'skip' assisted collections. We recognise the importance of the additional assistance given to the most vulnerable residents of Birmingham and are committed to ensure that missed collections do not occur.

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

D23 Assisted Collections Missed 3

Question:

Does the substantial number of complaints about missed assisted collections (including residents reporting not getting collections for a number of months) reflect a deliberate policy to force the elderly and disabled to make their own arrangements for disposal of their rubbish?

Answer:

No, your assertion is incorrect. There is no 'deliberate policy' to force the elderly and disabled to make their own waste disposal arrangements. We recognise the importance of the additional assistance given to the most vulnerable residents of Birmingham and are committed to ensure that missed collections do not occur.

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

D24 Late Refuse Collections

Question:

How many properties have received late collections by ward (by month this year) from crews doing overtime or agency work?

Answer:

Late collections does not mean that overtime is paid, hence this information is not available.

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

D25 Grade 3 Waste Collection Operatives - training in liaising?

Question:

Given that the grade 3 waste collection operatives now have a brief to engage with the public, what training have they received in liaising with residents in receipt of assisted collections to ensure their rubbish is collected?

Answer:

The Grade 3 Waste Recycling and Collection Officers have all received training on their role using the mobile technology to help them solve issues they have within their workplace. They are trained to help citizens who may need assisted collections, larger or smaller bins or changing addresses from red carded (not suitable for wheelie bins) to green carded (Suitable for wheelie bins). Staff will have also received customer service training previously.

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR EWAN MACKEY

E1 Culture Commissioning

Question:

In response to written question E1 at Full Council on 6 November, you provided a table detailing the split of culture spend between Revenue Commissioning and Project Commissions. Can you please break this spend down to show which organisations and projects received what funding in each of those years?

Answer:

Please see the following breakdown as requested. Some of the tables also include an element of match funding.

2015-16

Arts Project Commissions and Associated Programmes: £473,457 + £23,990 match

Next Generation Projects (Children and young people)	BCMG	£9,700.00
	BE Festival CIC	£10,000.00
	Big Brum TIE	£9,795.00
	Birmingham Hippodrome	£10,000.00
	Blue Orange Theatre	£9,935.00
	Friction Arts	£9,155.00
	LouDeemY Productions	£3,300.00
	Secret City Arts	£7,975.00
	Superact	£7,005.00
	The Cube	£3,550.00
	Women & Theatre	£9,750.00
Culture on our Doorstep Project (Adults and Communities)	Art Works Hall Green	£3,000.00
	Edgbaston Arts Contact Group	£6,960.00
	General Public	£2,856.00
	Jungo Arts	£3,000.00
	Junk	£1,845.00
	Little Bird Community Arts CIC	£9,750.00
	Mercurial Arts	£10,000.00
	Northfield Arts Forum	£9,810.00
	Ort Gallery	£9,081.00
	Purbanat	£10,000.00
	Reel Access Ltd	£9,530.00
	Some Cities	£10,000.00
	Soul City Arts	£10,000.00
Great International City Projects (Festivals)	BE Festival CIC	£7,000.00
	Birmingham Hippodrome	£3,000.00
	Birmingham Jazz & Blues Festival Limited	£9,000.00
	Birmingham LGBT Community Trust	£5,000.00
	Birmingham Repertory Theatre	£50,000.00
	City of Colours	£5,000.00
	Flatpack Festival	£9,000.00
	Flatpack Projects CIO	£ 900.00

City Council – 5 December 2018

	Music for Youth	£4,500.00
	Open Theatre	£3,000.00
	Polish Expats Association	£5,000.00
	Professional Incridibles	£5,000.00
	Punch Records	£9,000.00
	RoguePlay Theatre Ltd	£3,000.00
	Simmer Down CIC	£9,000.00
	Uprize CIC	£7,000.00
	WERK Culture Ltd	£7,500.00
	Writing West Midlands	£9,000.00
	Simmer Down CIC	£900.00
Arts Champions Scheme Projects	Birmingham Opera Company	£2,000.00
	Birmingham Repertory Theatre	£4,000.00
	Birmingham Royal Ballet	£4,000.00
	CBSO	£4,000.00
	DanceXchange	£4,000.00
	Ex Cathedra	£2,000.00
	Ikon Gallery	£4,000.00
	mac Birmingham	£4,000.00
	Performances Birmingham	£4,000.00
	Sampad South Asian Arts	£4,000.00
	The Drum (Newtown Cultural Project Ltd)	£4,000.00
Year of Arts and Young People Projects	Beatfreeks	£20,000.00
	Birmingham Museums Trust	£20,000.00
	Stans Café	£9,650.00
Birmingham Festivals Group development	Flatpack Projects	£10,000.00
Organisational development	No.11 Arts Ltd	£10,000
Heritage Week Project	Birmingham Museums Trust	£10,000.00
Local Arts Forum Co-ordination	Active Arts Castle Vale	£4,000.00
	Argy Bhaji	£4,000.00
	Art Works – Hall Green	£4,000.00
	Edgbaston Arts Contact Group	£4,000.00
	Grosvenor Road Studios	£4,000.00
	Highbury Theatre	£4,000.00
	Inspiring a new generation	£4,000.00
	NAF	£4,000.00
	Reel Access	£4,000.00
	Superact CIC	£4,000.00
Strategic Arts	Arts Board and Leadership Training costs	£1,303.32
	Heritage Week medical cover, promotion and marketing, volunteer t-shirts costs	£1,522.90
	Arts on the Move costs	£2,310.00
	Creative Futures Strategy costs	£5,960.62
	Public Art costs	£5,217.68

Arts Revenue Commissioning: £5,952,000.00

Performances Birmingham Ltd	£1,985,000
CBSO	£1,195,000
Birmingham Royal Ballet	£730,000
Birmingham Repertory Theatre	£730,000
Midlands Arts Centre	£540,000
The Drum (Newtown Cultural Project Ltd)	£380,000
Birmingham Opera Company	£140,000
Ikon Gallery	£84,500
DanceXchange	£80,000
Ex Cathedra	£47,500
Sampad	£40,000

2016-17

Arts Project Commissions and Associated Programmes: £205,000 + £515,000 The Drum (Newtown Cultural Project Ltd) allocation towards Aston and Newtown projects and Black History Month from Birmingham City Council and Arts Council England + £91,662 match

Next Generation Projects (Children and young people)	Blue Orange Theatre	£8,408.00
	Gap Arts Project	£13,563.00
	Northfield Arts Forum	£13,660.00
	On The Edge	£13,860.00
	BE Festival CIC	£5,611.00
	Birmingham Hippodrome	£12,720.00
	LouDeemY Productions	£7,840.00
Culture on our Doorstep Project (Adults and Communities)	DanceXchange	£10,000
	Creative Cohesion West Midlands	£6,000.00
	General Public	£2,120.00
	Women & Theatre	£10,000.00
	LouDeemY Productions	£5,660.00
	Purbanat	£10,000.00
	Sampad South Asian Arts	£8,000.00
	Sonia Sabri	£10,000.00
	Soul City Arts	£7,000.00
	Kalaboration CIC	£7,220.00
Aston and Newtown Projects	Wassifa CIC	£35,529.00
	7E Youth Academy	£33,550.00
	ACE Dance & Music	£71,197.00
	Birmingham Playcare Network	£40,000.00
	Craftspace	£27,886.00
	Handsworth Creative	£35,000.00
	mac Birmingham	£49,040.00
	Aston Performing Arts Academy	£46,065.00
	Birmingham Hippodrome	£125,000.00
	Grosvenor Road Studios	£25,000.00
	Eloquent Praise & Empowerment Dance Co	£4,000.00
		£3,733.00
	Strawberry Afro Theatre CIC	£4,000.00
	Midlands Community Group	
Local Arts Forum Co-ordination	No.11 Arts Ltd (Local arts forum network support/co-ordination)	£5,000.00

City Council – 5 December 2018

	Art Works Hall Green	£2,000.00
	Edgbaston Arts Contact Group/Artscoop Central	£2,000.00
	Northfield Arts Forum	£2,000.00
	No.11 Arts Ltd (co-ordination of local arts forums x 7)	£14,000.00
Cultural Co-design project	No.11 Arts Ltd (Cultural Co-design case studies	£10,000.00
	The Edgbaston Arts Contact Group	£9,000.00
	Active Arts Castle Vale	£9,000.00
	Art Works Hall Green	£9,000.00
	Reel Access Ltd	£9,000.00
	Inspiring A New Generation	£9,000.00
	NAF	£9,000.00
	Grosvenor Road Studios Ltd	£9,000.00
	Argy Bhaji	£9,000.00
	Mubu Music Ltd	£9,000.00
	Superact CIC	£9,000.00
	Women and theatre (bham) ltd	£10,000.00
	Project evaluation and other costs	£10,000
Black History Month	Strawberry words ltd	£15,000.00

Arts Revenue Commissioning: £4,335,000.00

Performances Birmingham Ltd	£1,700,000
CBSO	£900,000
Birmingham Royal Ballet	£525,000
Birmingham Repertory Theatre	£525,000
Midlands Arts Centre	£400,000
Birmingham Opera Company	£100,000
Ikon Gallery	£60,000
DanceXchange	£60,000
Ex Cathedra	£35,000
Sampad	£30,000

2017-18

Arts Project Commissions and Associated Programmes: £405,000 + £10,355 match

Next Generation Projects (Children and young people)	Secret City Arts	£14,020.00
	LouDeemY Productions	£6,450.00
	Gap Arts Project	£13,795.00
	Mooville Theatre Company	£10,146.00
	Reel Access Ltd	£12,753.00
	Some Cities CIC	£11,595.50
	Women & Theatre	£11,595.50
Culture on our Doorstep Project (Adults and Communities)	Arts in the Yard	£10,000.00
	Friction Arts	£10,000.00
	On the Edge	£10,000.00
	General Public	£2,800.00
	Women & Theatre	£10,000.00
	Creative Cohesion West Midlands	£8,600.00
	Northfield Arts Forum	£8,600.00
	Artscoop Central	£10,000.00
Cultural Regeneration	Sampad South Asian Arts	£29,950.00

City Council – 5 December 2018

Projects (Aston and Newtown geographically extended to)	Simmer Down CIC	£28,814.00
	Friction Arts	£27,275.00
	Ifa Yoruba Contemporary Arts	£20,000.00
	Reel Access Ltd	£28,010.00
	Birmingham City University	£30,000.00
	Craftspace	£18,451.00
	Blackstory Partnership (Black History Month)	£17,500.00
Local Arts Forum Co-ordination	No.11 Arts Ltd (Local arts forum network support/co-ordination)	£5,000.00
	No.11 Arts Ltd (Local Arts Forum co-ordination x 10)	£20,000.00

Arts Revenue Commissioning: £2,772,000.00

Performances Birmingham Ltd	£1,450,000
CBSO	£672,000
Birmingham Royal Ballet	£200,000
Birmingham Repertory Theatre	£200,000
Midlands Arts Centre	£120,000
Birmingham Opera Company	£40,000
Ikon Gallery	£25,000
DanceXchange	£25,000
Ex Cathedra	£15,000
Sampad	£25,000

2018-19

Arts Project Commissions and Associated Programmes - £405,000.00

Next Generation Projects (Children and young people)	Professional Incredibles	£3,000.00
	Secret City Arts	£10,000.00
	Women & Theatre	£10,000.00
	Polish Expats Association	£10,000.00
	LouDeemY Productions	£5,725.00
	Gap Arts Project	£9,910.00
	Mooville Theatre Company	£5,952.30
	Place Prospectors	£3,000.00
	RoguePlay Theatre Ltd	£10,000.00
	<i>Budget Frozen to cover costs incurred by the service relating to the vacant Drum building</i>	<i>£2,412.70</i>
Culture on our Doorstep Project (Adults and Communities)	Creative Health CIC	£8,500.00
	Birmingham Big Art Foundation	£10,000.00
	General Public	£6,000.00
	Women & Theatre	£10,000.00
	LouDeemY Productions	£6,390.00
	Place Prospectors	£3,000.00
	Secret City Arts	£10,000.00
	Uprize CIC	£9,200.00
Black & Minority Ethnic Arts Projects (Aston and Newtown geographically)	Purbanat	£6,910.00
	<i>Budget Frozen to cover costs incurred by the service relating to the vacant Drum building</i>	<i>£182,500.00</i>
	Recognize Black Heritage & Culture CIC	£17,500.00

City Council – 5 December 2018

extended to	(Black History Month)	
Local Arts Forum Co-ordination	No.11 Arts Ltd (un-constituted local arts forums x 6)	£12,000.00
	Active Arts Castle Vale	£2,000.00
	Art Works Hall Green	£2,000.00
	NAF	£2,000.00
	Arts in the Yard	£2,000.00
	<i>Budget Frozen to cover costs incurred by the service relating to the vacant Drum building</i>	<i>£45,000.00</i>

Arts Revenue Commissioning: £2,772,000.00

Performances Birmingham Ltd	£1,450,000
CBSO	£672,000
Birmingham Royal Ballet	£200,000
Birmingham Repertory Theatre	£200,000
Midlands Arts Centre	£120,000
Birmingham Opera Company	£40,000
Ikon Gallery	£25,000
DanceXchange	£25,000
Ex Cathedra	£15,000
Sampad	£25,000

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR ALEX YIP

E2 Young Active Travel Trust

Question:

Since its creation how much money has been raised by the Young Active Travel Charitable Trust?

Answer:

The Young Active Travel Trust was established with £25,000 sponsorship from Churchill Insurance and £75,000 from the City Council. No further donations have been received.

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR KEN WOOD

E3 Young Active Travel Trust schools

Question:

Since its creation which schools have received grants (and of how much) by the Young Active Travel Charitable Trust?

Answer:

I refer the Councillor to the decision of the Trusts and Charities Committee on 18 July 2018 which approved grants to the following schools:

Applicant	Project Name	Amount Granted
Alston School	Walk to School	£1,000
Gracelands Nursery	Healthy Safe Way to School	£1,000
Abbey Catholic School	Scoot & Ride	£1,000
Greenholm School	Keep Clear Parking Campaign	£500
Kings Heath Primary	Scootability	£1,000
Washwood Heath Academy	Cycle to School	£1,000

**WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS
AND CULTURE FROM COUNCILLOR CHARLOTTE HODIVALA**

E4 Young Active Travel Trust

Question:

Since its creation how many meetings have been held by cabinet members with potential sponsors\donors?

Answer:

Cabinet Members have no specific responsibility to arrange meetings with potential sponsors/donors. It is open to all Councillors to secure funding for this and any other charity for which the Council is Trustee.

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR PETER FOWLER

E5 Arts Grants

Question:

The 19/20 budget consultation document lists the net spend for Arts Grants as £8.473m, but only just over £3m of this is paid out in grants to arts organisations. It is this c£3m that is being cut by a third to give the proposed saving of £1.080m. What is the remaining £5.2m currently spent on?

Answer:

The remaining £5.2m budget is mainly allocated for the contractual arrangements with the Birmingham Museums Trust.

The exact figures on the Voyager ledger are:

Birmingham Museum Trust £4.672m

Arts grants £3.187m

Major Events £0.333m

Cultural Development Service running costs Staffing etc. £0.281m (includes Film Birmingham Office)

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR TIM HUXTABLE

E6 Meetings Young Active Travel Trust

Question:

On how many occasions has the Young Active Travel Trust met, including dates?

Answer:

The Council is the sole trustee of the Young Active Travel Trust (YATT) and has delegated the day to day management of the YATT to the Council's Trusts and Charities Committee.

A schedule showing all meetings of the Trusts and Charities Committee is publicly available and can be found on the Council's website.

During the current municipal year, it met on 18th July 2018 and is scheduled to meet again on 17th January 2019.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES
FROM COUNCILLOR ADAM HIGGS**

F1 Trade Union Reps

Question:

How many FTE TU reps are currently funded by council as of the end of November 2018?

Answer:

As at end of November 2018, 26.1 FTE.

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

F2 Trade Union Accommodation

Question:

How many payments for accommodation are currently made to unions (broken down by union, and total amount per annum)?

Answer:

The 18/19 contribution for accommodation is £12,500 towards premises for Unison only. The GMB/Unite/UCATT are located in Council premises.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES
FROM COUNCILLOR BRUCE LINES**

F3 Non-essential spend and trade unions

Question:

Does the current freeze on non-essential spend include any spend by council employed trade union reps?

Answer:

No. Trade Unions are not provided with any disposable budget by the Council.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES
FROM COUNCILLOR DAVID PEARS**

F4 Agency Staff

Question:

Broken down by Directorate, how many council staff are also hired in as agency staff?

Answer:

In accordance with the Data Protection Act, the Council does not have access to agency worker personal information (a unique identifier is required e.g. National Insurance number) to be able to correlate whether the individual is both:-

- a) working as an employee of the Council and
- b) an employee of the agency provider on assignment at the Council.

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

F5 Savings Delivery Plans

Question:

Are you personally content, having reviewed copies that all savings delivery plans, for both the current year and next year are now complete and fully achievable?

Answer:

Savings of the scale and nature that we are being forced to make are extremely challenging and they are currently being consulted on with Birmingham's citizens. It's the responsibility of the assigned officer to produce a detailed implementation plan which I will be monitoring.

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

G1 Bescot Court - Proposals for this site?

Question:

Bescot Court in Perry Barr ward is now largely vacant due its unsuitability as sheltered housing. I have had a number of discussions with housing officers in recent years about the future of the building and the site, and have proposed, along with the local neighbourhood planners, a redevelopment to secure the future of the adjoining library and to provide high quality apartments for social housing. Could the cabinet member update on what is proposed for this site and the response to proposals emerging from the neighbourhood plan?

Answer:

I accept that Bescot Court's current use is unsustainable as a sheltered housing block of bedsits. We have been looking at a range of options for its future use taking account of the need to retain and maximise social housing provision whilst ensuring that financially we achieve the best solution.

To this end we are looking to work with a 3rd party provider to develop the Housing site for much needed housing use, currently this would involve entering into a lease arrangement. It is possible that this could also then lead to us working with that provider in regard to the library facility.

A decision report is expected in due course.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND NEIGHBOURHOODS
FROM COUNCILLOR DEBBIE CLANCY**

G2 Housing Repairs

Question:

For each of the last 3 years, how many housing repairs were completed within the given timescales, as a proportion of the total number reported?

Answer:

The table below shows the breakdown of information on repairs completed in time over the last 3 years, this has also been split between normal repairs and Gas repairs to provide you with additional detail.

The below numbers of complaints should be taken in context of the overall number of repairs completed. For example for the year 2017/18 our contractors completed 260,000 repairs.

In summary the percentage of overall jobs completed within timescale has increased slightly from 88.6% in 16/17 to 91.7% in 17/18 with it remaining consistent at 91.7% for this year to date.

18-19	Year to date
KPI002 - Work completed within timescale	91.7%
Contractor total works orders completed	138156
<i>Work completed within timescale - Repairs</i>	90.2%
Total work orders completed - Repairs	97633
<i>Work completed within timescale - Gas</i>	95.7%
Total work orders completed - Gas	23833

17-18	Year to date
KPI002 - Work completed within timescale	91.7%
Contractor total works orders completed	266075
<i>Work completed within timescale - Repairs</i>	91.0%
Total work orders completed - Repairs	187820
<i>Work completed within timescale - Gas</i>	96.2%
Total work orders completed - Gas	56874

16-17	Year to date
KPI002 - Work completed within timescale	88.6%
City total works orders completed	217306
<i>Work completed within timescale - Repairs</i>	86.8%
Total work orders completed - Repairs	158092
<i>Work completed within timescale - Gas</i>	93.7%
Total work orders completed - Gas	53578

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND NEIGHBOURHOODS
FROM COUNCILLOR ADRIAN DELANEY**

G3 Housing Repairs Complaints

Question:

For each of the last 3 years, how many complaints have been received relating to housing repairs not having been completed satisfactorily or not completed at all after the job have been closed down on the system as ‘complete’?

Answer:

Whilst the repairs service holds data concerning the number of complaints received for the specified period, the data held does not confirm whether the complaint was made / received whilst the job was open or closed.

Also unfortunately the complaint recording data, although captures a number of sub categories, does not cover the specific category requested. However we can confirm the following in regard to the overall number of repair complaints received over these 3 years:

The below numbers of complaints should be taken in context of the overall number of repairs completed. For example for the year 2017/18 our contractors completed over 260,000 repairs. Complaints for that year represent just over 1% of overall repairs.

For the financial year 2016/2017, a total of 3,593 complaints were received in respect of the provision of housing repair services by Birmingham City Council and its repairs partners.

For the financial year 2017/2018, a total of 2,752 complaints were received in respect of the provision of housing repair services by Birmingham City Council and its repairs partners.

For the financial year 2018/2019 (April 2018 to 28 November 2018), a total of 1,898 complaints have been received in respect of the provision of housing repair services by Birmingham City Council and its repairs partners.

In addition Contractors collect general satisfaction data and I can advise the following for the previous 3 years:

2016/17 – 99.8%

2017/18 – 99.8%

2018/19 to date – 99.9%

We are currently reviewing how this information is collected with our contractors

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

H1 Scott Arms Junction - Relieve Congestion - 2022 Games

Question:

Given that the Scott Arms junction on the A34 is a major bottleneck in the route into the city, what work is being undertaken to find ways to relieve congestion at this junction for the 2022 Commonwealth Games and the proposed introduction of new bus services on this route?

Answer:

The Council and Transport for West Midlands (TfWM) are working with partners to produce a comprehensive Transport Plan for the Commonwealth Games (CWG) 2022. The initial version of this plan will be subject to public consultation in 2019. Birmingham 2022 will be public transport games, with spectators and workforce having enhanced public transport to access venues, and the majority of venues having no private car parking available other than disabled parking. There will also be a significant travel demand campaign to encourage both games and 'business as usual' trip makers to use sustainable modes, and those that need to drive to use appropriate routes.

The A34 corridor is key to the Transport Plan as it gives access to the Alexander Stadium, Athletes Village and Villa Park. The Scott Arms junction is on the route to the Stadium from the Strategic Road Network at M6 J7, therefore the games Transport Plan will be for spectators and workforce to use alternative modes to make this journey. Measures planned include longer distance trips being intercepted at strategic park and rides sites, with additional bus services provided, a potential new Sprint Rapid Transit service in operation, a rebuilt Perry Barr station, new cycle facilities along the corridor, and controlled parking zones around venues.

The Sprint route is proposed to pass through Scott Arms and designs were subject to recent public consultation. The consultation designs propose increased bus priority at the junction. TfWM are currently working with Birmingham, Sandwell and Walsall to review consultation responses and agree any revisions required prior to moving forward to detailed design.

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

H2 Perry Barr Flyover - disruption

Question:

The recent Perry Barr ward forum was told that demolition of the flyover at Perry Barr – if it proceeds – will cause two years of disruption. What assessments are being undertaken of the cost of that disruption to the economy of the city, the health and welfare of the Perry Barr area and household budgets of those using the route?

Answer:

No decision on the future of the flyover has yet been made, an Options Appraisal report is expected to be presented to Cabinet early in the New Year.

The highway changes being considered at Perry Barr, specifically the A34/A453 junction and the A34/A4040 junction are significant (whether the flyover is retained or removed). The construction works programme is expected to be around 2 years in duration; the programme will be developed once a contractor has been appointed and every effort will be made to deliver the highway changes in the shortest time possible.

The Council has a duty under the Traffic Management Act 2004 to manage the highway network, with a view to achieving, so far as may be reasonably practicable, the expeditious movement of traffic on the road network and the more efficient use of the road network having regard to its other obligations, policies and objectives. To deliver physical changes to the highway it is necessary to put in place temporary traffic management arrangements that may involve lane closures or lane narrowing and/or road closures. Where possible these restrictions are limited to the off peak periods. Not only are these restrictions necessary for the efficient delivery of the works, they are also required to ensure the safety of construction workers and highway users.

There is no specific cost benefit analysis carried out to measure the disruption impact. An air quality assessment of the impact of the construction together with the final scheme will be undertaken.

The Council working with the appointed Contractor and Transport for West Midlands will produce a comprehensive construction management plan and also implement travel demand management to help mitigate any adverse impacts during the construction period.

The proposed Perry Barr regeneration scheme is an extremely important and long-awaited opportunity for the city, which will deliver much-needed homes and better public transport for the citizens of Birmingham.

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

H3 Cost benefit analysis of disruption caused by works

Question:

Given that works to major roads in the city are often continuous, with one project following another, what is the council procedure for undertaking cost-benefit analysis of the disruption caused by such works?

Answer:

The Council has a duty under the Traffic Management Act 2004 to manage the highway network with a view to achieving, so far as may be reasonably practicable, the expeditious movement of traffic on the road network and the more efficient use of the road network having regard to its' other obligations, policies and objectives.

To deliver physical changes to the highway it is necessary to put in place temporary traffic management arrangements that may involve lane closures or lane narrowing and/or road closures. Where possible these restrictions are limited to the off peak periods. Not only are these restrictions necessary for the efficient delivery of the works they are required to ensure the safety of construction workers and highway users.

Every effort is made to minimise the disruption of roadworks to the travelling public. The Council's Traffic Management Protocol sets out the steps that all works promoters must follow to ensure disruption is kept to a minimum. The temporary traffic management proposals of the promoter must be approved by the Council before works start.

Works are programmed taking into consideration all other planned works. The level of investment in infrastructure is unprecedented and it is a major challenge to manage the delivery of highway projects to the required programmes without some inconvenience to the travelling public. Through various communication channels the public are given advance notice of proposed works and may be advised to use other forms of transport where possible.

The cost benefit analysis of the disruption caused by highway works forms part of the overall Business Case submission for major projects that are funded by the Department for Transport. For small to medium projects there is no specific cost benefit analysis carried out to measure the disruption impact, however as previously explained there is a robust process to ensure disruption is kept to a minimum. Clearly there is a balance between the temporary disruption and the longer term benefits that the project aims to achieve including the creation of jobs, maximising investment, building new homes and delivering new transport infrastructure.

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

H4 Road Fatalities

Question:

For each fatality on Birmingham roads in the last 3 years, what was the recorded estimated speed of the vehicle involved along with the speed limit for that road?

Answer:

Using STATS 19 (a database collection of all road traffic collisions that resulted in personal injury and were reported to the police within thirty days of the incident), the council regularly reviews and monitors collision data as part of efforts to make Birmingham's roads as safe as possible, especially for vulnerable road users.

This database does not provide the recorded estimated speed of vehicles involved in collisions.

The police are the lead agency for collision investigation and have the primary duty to investigate and establish the circumstances that have led to road deaths and life changing injuries. The roads policing lead investigator is responsible for carrying out a scene examination. Material which can be gathered after the scene has been cleared includes vehicle damage intrusion measurements, which may assist in vehicle speed estimations. After reviewing the last three years of collision data for the calendar years 2015 to 2017, it has been identified that there were eighty fatal collisions on Birmingham's roads, resulting in a total of 87 fatalities.

The speed limits on the roads where these collisions occurred were as follows:

Speed limit	Number of collisions
20 mph	1
30 mph	60
40 mph	15
50 mph	1
70 mph	3

CITY COUNCIL January 2019

ANNUAL REVIEW OF THE CITY COUNCIL'S COUNCIL TAX SUPPORT SCHEME

It is recommended that City Council retain the current scheme.

MOTION

That approval be given to retain the current Council Tax Support Scheme for the next financial year (2019/20) notwithstanding any prescribed changes set by Government and/or annual uprating.

Where there is a recommendation subsequently made in future years, that there are no changes required to the scheme, for the proceeding year that Delegated Authority is granted to the appropriate Senior Officers to authorise the scheme within the Benefit Service.

Review of Birmingham's Council Tax Support Scheme 2018/19

Introduction

On the 1st April 2013, Council Tax Benefit was abolished and the Department for Communities and Local Government (DCLG) transferred responsibility for provision of Council Tax Support to local Councils. Councils now have a duty to design and administer local Council Tax Support schemes.

Funding for Council Tax Support schemes provided by the DCLG in 2013/14 were reduced nationally by 10%. Future funding will no longer alter to reflect increases or decreases in claimant numbers and loss of council tax income. Any changes in the amount of Council Tax Support discounts must be accounted for within the collection fund.

The Council Tax Support scheme (CTS) for Birmingham was adopted following a Motion proposed at Full Council on the 8th January 2013. The scheme took effect from 1st April 2013.

Consultation took place with the precepting authorities, following which, a draft scheme was then published and a full consultation process with stakeholders and members of the public took place between September and December 2012.

As a result of this consultation, amendments were made to the draft scheme resulting in additional groups receiving protection from a reduction in their Council Tax Support. A full Equality Impact Assessment was carried out as part of the design of the scheme and this was updated throughout the consultation process.

A formal review of the first year of the scheme was carried out as required under the Local Government Finance Act 2012 and a further Motion was presented to a meeting of Full Council in January 2014 recommending that the same scheme be adopted for year two and this motion was approved.

Further formal reviews have been carried out each subsequent year, and this is the review of the sixth year of the Scheme, which has considered whether any revisions to the current scheme are necessary for 2019/20 or whether there is a requirement to replace the current scheme with another.

This report considers how the scheme has worked, whether any anomalies have arisen and whether any apparent injustices have been caused. The Equality Impact Assessment has been revisited taking account of the sixth year of the operation of the Scheme.

Summary of the Current Council Tax Support Scheme

The principles of Birmingham's Council Tax Support scheme are:

- Customers of working age must contribute at least 20% of their council tax liability and receive up to a maximum of 80% Council Tax Support dependant on their income and family circumstances.
- Protection for pensioners is prescribed in law so that their maximum council tax support is based on 100% of their council tax liability subject to their income and circumstances.
- The Birmingham scheme also incorporates protection for vulnerable groups to have their council tax support assessed on 100% of their council tax liability, these are defined as follows:
 - Customer with child/children under 6
 - Other vulnerable groups including, disabled, Carers and customers in receipt of a relevant disability benefit including receipt of a war pension.

A Council Tax Discretionary Hardship fund is in place to assist those who are affected by the scheme and experience difficulties in paying. This Hardship fund is financed entirely by the Council.

Key Findings from the Operation of the Council Tax Support Scheme in 2018/19

The Council Tax Support Scheme for Birmingham which was launched on the 1st April 2013, provides a system of financial support to those people in greatest need whilst also minimising the impact of the significant reduction in funding from central Government on the Council's finances.

The key principles of the scheme are set out above and this section provides some information in relation to how the scheme is operating during its sixth year.

Caseload Analysis

Prior to the introduction of the new council tax support scheme there were 136,400 customers in receipt of Council Tax Benefit. The split between pensionable age customers and working age customers was 51,403 and 84,997 respectively.

Statistics show that the total caseload has been decreasing since 2013, as follows

- 131,852 at August 2014 (Pensioner 47,185, Working Age 84,667)
- 129,039 at August 2015 (Pensioner 44,792, Working Age 84,246)
- 126,891 at August 2016 (Pensioner 42,999, Working Age 83,892)
- 124,910 at August 2017 (Pensioner 41,142, Working Age 83,768)
- 121,788 at August 2018 (Pensioner 39,292, Working Age 82,496)

The split between pensionable age customers and working age customers is currently 39,292 Pensioners and 82,496 Working Age respectively. The majority of the reduced caseload has been pension age, which has reduced by 17% over the last six years. (7,892 claims)

The national trend for Pension Credit claims shows that nearly two thirds of customers (64%) are from the female population. The Department of Work and Pensions report that claim for Pension Credit continue to fall, a 130,000 reduction in 2018 from the previous year (2017). As the eligible age for claiming Pension Credit is directly related to the age it can be claimed, and the pension age for women has been increasing each year. The Department of Works and Pensions also confirm that the number of customers for State Pension has shown a similar decrease of 130,000, which was largely driven by the decrease in the number of women reaching the State Pension age.

The working age caseload has this year shown a reduction of 3% (2171 claims). The Office of National Statistics report (issued August 2018), confirms that the Working Age client group has been decreasing over time. Nationally there has been a steady fall to just less than 6.6 million by August 2018 (date last reported), a 2% decrease on the previous year. The Birmingham case load although at 3% reduction, as detailed above, mirrors this trend.

From the table below, information as at August 2018 confirms that there are 121,788 customers in receipt of a discount within the Council Tax Support Scheme, of which 32% are pensionable age customers and 68% working age customers.

The Council Tax Support caseload continues to show a slight decrease year on year. For the period August 2018 there is a decrease of 4% in comparison to 2% at the same time in August 2017.

There are 82,496 claims in respect of working age customers. Reductions have been seen in the categories of working age Vulnerable customers with child/children under 6 (1,363 claims), Working Age other (380 claims) and Working Age employed (94 claims).

For the Pensioners category there has been an overall reduction of 1,850 (4.5%) claims seen in the last twelve months.

	Aug-16	Aug-17	Aug 17 % Change	Aug-18	Aug 18 % Change
House Vulnerable (Customer with Child/Children under 6)	18,528	17,457	-5.78%	16,094	-7.80%
Pensioner	42,999	41,142	-4.31%	39,292	-4.50%
Vulnerable Category	30,218	33,042	9.34%	33,607	1.70%
Working Age in Employment	11,813	12,466	5.52%	12,372	-0.80%
Working Age not in Employment	23,333	20,803	-10.84%	20,423	-1.80%
Total	126,891	124,910	-1.56%	121,788	-2.50%

August 2017 - August 2018 summary changes:

- There was a reduction of 7.8% in the number of Household Vulnerable (customers with child/children under the age of 6) in receipt of a council tax support.
- For Pensioners, there has been a 4.5% reduction in the number of claims in receipt of council support, compared to 4.3% in previous year.
- For the Vulnerable groups (including, disabled, Carers and customers in receipt of a relevant disability benefit including receipt of a war pension), there has been an increase of 1.7%, much lower than in the previous year where there was an increase was 9.3%.
- For the Working Age in Employment category, there was a 0.8% decrease, and this is in contrast to the previous year increase of 5.5%. Birmingham became Full Service for Universal Credit in February 2018 so any new claims will transfer to Universal Credit (administered by the DWP) unless they are in exempt/Hostel Type accommodation.
- For the category Working Age not in Employment, there was a decrease of 1.8% in comparison to 10.8%, at the same point the year before.

Further analysis of Working Age Not in Employment and Working Age Employed identified that this is where the highest number of claims are moving over to Universal Credit. At the end of August 2018, 5,835 claims had moved to Universal Credit.

Vulnerable customers accounted for 19% move to Universal Credit and 18% of Household Vulnerable moved to Universal Credit. No Pensioners moved to Universal Credit at this time.

For the period up to August 2018, a total of 2006 RBI (Right Benefit Initiative) cases will have made an impact on council tax support discounts in working age and pensioner categories, and we can see from the table below, how the average entitlement has changed over the last twelve months.

RBI focuses on earnings cases, which includes occupational/non-State Pension customers. However, despite this, the average CTS discount has increased across all award types.

	Average CTS Aug 17	Average CTS Aug 18	% Change
Household Vulnerable (Customer with Child/Children under 6)	£15.34	£16.12	5.1%
Pensioner	£16.00	£16.79	4.9%
Vulnerable	£16.95	£17.69	4.3%
Working Age in Employment	£9.88	£10.30	4.5%
Working Age not in Employment	£12.33	£12.88	4.4%

The reduction in pensioner claims appears to follow the Government's predicted forecasts that claims for pensioners are set to reduce as the national retirement age increases. The new State Pension (nSP) was introduced for people reaching State Pension Age from 6th April 2016, which included the abolition of Savings Credit for those who reach Pension Age after this time. The number of People in receipt of Pension Credit has been decreasing since 2009, the downward trend is partly due to equalisation of State Pension Age (which results in the Pension Credit qualifying age to increase), partly due to changes in the Savings element of Pension Credit, and partly due to the introduction of the new State Pension. (DWP National statistics published 14 Aug 2018)

The reduction cannot be attributed to the Birmingham scheme design as the scheme follows the prescribed regulations to protect pensioners at up to 100% of council tax liability and as such they are excluded from the 80% maximum discount for working age customers not in a protected category.

Of the 68% of working age customers, 41% fall in the protected/vulnerable category and 34% of claims are for working age non protected customers and as such can only claim up to a maximum of 80% of their Council Tax liability.

The Department for Work and Pensions National Statistics (source Quarterly Benefits Summary – Great Britain Statistics to February 2018, published 14th August 2018) indicate that there has been a national trend for increases in Personal Independent Payments and Carer's allowances. There are decreases in employment support allowances (ESA)/incapacity benefits and disability living allowance payments, the number of people on Incapacity Benefits is steadily decreasing due to these benefits being replaced by ESA. The number of ESA claimants will gradually decrease as Universal Credit rolls out and replaces Income Related ESA.

Discretionary Hardship Fund

Birmingham City Council established the Council Tax Support Discretionary Hardship Scheme from 01 April 2013. This is a limited fund that is awarded to claimants affected by the Council Tax Support scheme, particularly those not in a protected category and as such are now liable to pay the minimum of 20%, who are experiencing extreme financial difficulty.

- The fund was agreed at £250,000 in 2017/18, and the total awards made amounted to £159,277.
- The fund agreed for 2018/19 is £250,000 and take up as at August 2018 is £113,774.

The demand for this fund was reducing year on year, but this year, take up so far has amounted to 46% of the available fund, but continues to be set at the appropriate level to meet needs. Recommendation is not to reduce this fund any further.

As part of the commitment to ensure customers are not faced with further hardship, where a Council Tax Support discount has been given, rather than being referred to

the Enforcement Agencies, recovery of outstanding charges is being recovered by ongoing regular deductions from customers' benefits. This will stop further costs being added to current debts outstanding.

Review of the Equality Assessment

An Equality Assessment (EA) commenced in May 2012 as part of the development of the CTS scheme for Birmingham. The EA was refined throughout the development of the scheme taking account of feedback from the formal consultation exercise. The EA set out the following aims and objectives to ensure that the scheme has due regard to the Council's duties to its equalities and diversity responsibilities.

- To provide a localised Council Tax Support scheme for Birmingham
- To provide a scheme that helps the most vulnerable with financial assistance towards their council tax liability.
- A scheme that provides support for vulnerable people and pensioners but also provides an incentive to encourage people to obtain employment.

The EA has been revisited and the sixth year scheme review suggests that the Council Tax Support Scheme continues to meet our original objectives of protecting the most vulnerable. There have been no disproportionate or detrimental effects on any of the protected characteristic groups, the details of which are captured as part of the formal CTS EA review (attached to this report as Appendix 1).

Key Implications and Issues

This section provides some key implications and issues to be considered regarding any proposal to revise the current scheme.

Funding

Government funding to the Council for the Council Tax Support scheme is now part of the Settlement Funding Assessment.

As such any changes to the current scheme design will need to be modelled within the context of the budget setting process and considered alongside the City's spending plans and the proposed savings programme.

Welfare Reform

In July 2015 the Government delivered its spending plan budget which introduced further welfare reforms.

From April 2016 a number of key changes affected the administration and budget of Council Tax Support.

In response, a report was commissioned by Birmingham City Council undertaken by Policy in Practice. This examined the impacts of the Welfare Reforms on customers in Birmingham. It identified the cumulative impacts of the reforms to date, low income working – age households in Birmingham have seen their incomes fall by an average

of £9.73 per week due to deficit-reducing welfare reforms (under occupation charge, benefit cap, Local Housing Allowances cap). Comparison of Working Age Employed Council Tax support between August 2017 and August 2018 confirms that the average discount awarded has increased from £9.88 to £10.30, and Working Age other discounts have increased from £12.33 (August 2017) to £12.88 (August 2018).

The precise impact of the remaining reform will not be known until the changes are fully rolled out in Birmingham, although due February 2018, revisions/changes to the Universal Credit process has been amended, including Supported Housing and Hostels not now due to move over to Universal Credit.

The Benefit Cap changes impacted on customers, between November 2016 and March 2017. The cap was set at £26,000 per year for couples and £18,200 for single claimants. This cap was revised on the 7th November 2016 to £20,000 for couples and £13,400 for single claimants.

The number of Housing Benefit claims that were capped reduced from 2961 at the end of August 2017 to 2405 at the end of August 2018; however cuts in Housing Benefit will impact on the ability to pay Council Tax.

Social Sector Size Criteria

The number of claims affected by the Social Sector Size Criteria has reduced by 1% in comparison between August 2017 and August 2018:-

- At end of August 2017, 8,894 (7%) of all customers were affected by the 14% or 25% Social Sector Size Criteria restriction due to under occupancy.
- At end of August 2018, 7,327 (6%) of all customers were affected by the 14% or 25% Social Sector Size Criteria restriction due to under occupancy.

The Birmingham scheme allows the Council discretion on whether or not, to uprate all or some of the premiums and allowances, used in the calculation of Council Tax Support independently of national working age benefits. When setting the Budget the Accountants do look at historic trends to ensure that there are no significant impacts of increasing premiums and allowances. As the application of these upratings does not have any significant impact, Birmingham has done and will uprate all the social security premium/allowances as detailed in the Minister of State's written statement to Parliament in November, applicable from the following April.

Government Review

The Local Government Finance Act 2012 placed a requirement on the Government to conduct an independent review of all local Council Tax support schemes within three years of the Act taking effect.

This review was conducted by Eric Ollerenshaw OBE (Birmingham were involved in discussion groups a part of this review) and the report was published in March 2016. This report made a number of recommendations for the Government and Councils.

The headline findings of the report called for the Government to give councils a wider range of freedoms. Specifically, it suggested giving greater control over the Single Person Discount, and to remove protections for pensioners. This would “improve a council’s ability to both manage financial risk, and provide targeted support to local residents in need”. This would allow the Council to fundamentally redesign council tax discounts and present an opportunity to generate savings and distribute the impact of central government funding reductions more evenly.

In evidence to the Committee of Public Accounts the Department for Communities and Local Government it was reported that the review would examine “the effectiveness and efficiency of the scheme, its impact in terms of localism, and the relationship with Universal Credit.” However, since this report was published, the Department of Work and Pensions has confirmed that the roll out of Universal Credit will continue to be rolled out to Local Authorities on a phased basis, with an expectation to be fully operational by 2023. Birmingham had a Full Service by end of February 2018.

Consultation

The Local Government Finance Act 2012 specifies that before any change to or introduction of a new scheme, the billing authority must in the following order:

- Consult as part of the design stage with any major precepting authority which has power to issue a precept to it
- Publish a draft scheme in such manner as it thinks fit, and
- Consult such other persons it considers are likely to have an interest in the operation of the scheme

Birmingham City Council will also have to re-consult with the public and any relevant stakeholders on the redesign of its local Council Tax Support scheme. Consultation would ideally need to run for a 12 week period.

The Council have not made any changes to the Council Tax Discounts currently available, and have no plans to introduce any further changes in 2019/2020.

The Council Tax Support Scheme 2019/20

Schedule 4 of the Local Government Finance Act 2012 requires each Billing Authority to consider whether to revise the scheme or replace it with another scheme for each financial year. Any revision or replacement must be made no later than the 11th March (DWP response confirmed that Local authorities must have an agreed scheme in place by end of March) in the financial year preceding that for which revision or replacement is due to have effect. It is therefore necessary to give due consideration as to any revisions or replacement of the current scheme.

This report outlines some of the key findings from the Birmingham Council Tax Support scheme during its sixth year in operation. The scheme has continued to be effective in providing a system of financial support to those people in greatest need whilst also minimising the impact of the significant reduction in funding from central Government on the Council’s finances.

The Equality Assessment has been revisited and demonstrates that there have been no disproportionate or detrimental effects on any of the protected characteristic groups.

Funding for Council Tax Support forms part of the overall Settlement Funding Assessment (SFA) As Government funding for Council Tax Support will not be increased, any reduction in council tax income because of the Government's budget changes will need to be met by the Council.

There are a number of factors which have been outlined in the report which need to be considered as part of the decision for the future of the scheme most notably the impacts of planned welfare reform on the Council Tax Support budget.

The Council will consider the appropriate level of funding for the Council Tax Discretionary Hardship Fund to help those suffering undue hardship as part of the overall budget setting process. It is not however envisaged that the Council will alter the level of funding for 2019/20.

A more fundamental review of the scheme was considered during 2016/17, and the recommendation of Eric Ollerenshaw OBE was:-

“You will see that my report states that local government has effectively implemented the council tax support schemes, despite difficult circumstances. However, there remain some barriers which prevent schemes from fully meeting Government policy objectives. Many of these are within the control of Government, and I recommend that you correct them.

Government should also consider providing councils with a much wider range of freedoms, so that LCTS schemes can be truly local. Devolving at least part of the prescribed scheme for pensioners, and the single person discount, could significantly improve a council's ability to both manage financial risk and provide targeted support to local residents in need.”

In February 2018 the Government published its response to these recommendations. The overriding recommendation is because of the limitations on changes to Pensioners, any changes implemented will impact on the poorest citizens (working age), who are subject to all Government changes to Tax Credits, and the move to Universal Credit, Birmingham went Full Service starting November 2017 and full roll was completed February 2018.

Recommendations

Having carried out the internal review on Birmingham's current Council Tax Support scheme it is recommended that no changes are required for 2019/20 and that the current scheme should continue for the next financial year notwithstanding any prescribed changes set by Government and/or annual uprating.

- For Future Years the Council should explore future Council Tax Support scheme redesign, assess the impacts of roll out of Universal Credit and results of any Government's response to the recommendations made as part of the Council Tax Support scheme reviews.
- Where there is a recommendation subsequently made in future years, that there are no changes required to the scheme, for the proceeding year that Delegated Authority is granted to the appropriate Senior Officers to authorise the scheme within the Benefit Service.

Appendix 2

Birmingham Council Tax Support Scheme Equality Assessment Review**August 2018****Purpose**

This paper reports on the sixth year review of the Equality Assessment of the Birmingham Council Tax Support Scheme following its introduction in April 2013 and subsequent annual reviews. The sixth year review was completed in August 2018.

The Local Government Finance Act requires the billing authority to consider annually whether to revise its scheme or replace it with another scheme.

This review will contribute to those considerations and provide details about the impact of the scheme on those claimants with characteristics protected by the Equality Act 2010. Additionally it will evaluate the assumptions made in design of the scheme and whether any further mitigation is required.

Background

The Welfare Reform Act 2012 abolished Council Tax Benefit from April 2013. The Local Government Finance Act 2012 required Local Authorities to design their own schemes for Council Tax Support to be in place by 31 January 2013.

Pensioners are protected by prescribed regulations and therefore Council Tax Support for this group remains as it was under the previous Council Tax Benefit scheme.

The Council Tax Support scheme for Birmingham is a means tested discount, defined in principle by the terms of the Government's default scheme. The maximum Council Tax Support is restricted to 80% of the Council Tax liability for customers of working age.

The Birmingham scheme has built in protection for vulnerable customers, these are:-

- Customer or their partner is a pensioner (as prescribed in law).
- Customer or their partner is entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium.
- Customer or their partner is in receipt of Employment Support Allowance with a qualifying disability related benefit.
- Customer or their partner receives a war disablement pension, war widows pension or war widower's pension.
- Customer or their partner has a dependent child under 6.
- Customer or their partner qualifies for the carer's premium.

As such, people with the greatest need of support, pensioners, carers, those with a disability, those in receipt of a war pension, those with dependent children under 6 years of age and those with a disabled child continue to have their maximum council tax support calculated based on 100% of their council tax liability as part of the Birmingham scheme.

The scheme also allows for claims to be backdated up to a maximum of one month, but also has scope for extended discounts in exceptional circumstances.

The scheme includes a discretionary hardship fund.

Equality Assessment Review

The scheme was subject to a full Equality Assessment and consultation through to introduction.

The Equality Assessment commenced in May 2012 as part of the development of the CTS scheme for Birmingham. The assessment was amended throughout the development of the scheme taking account of feedback from the formal consultation exercise. The Equality Assessment set out the following aims and objectives to ensure that the scheme has due regard to the Council's duties to its equalities and diversity responsibilities:

- To provide a localised Council Tax Support scheme for Birmingham.
- To provide a CTS scheme that helps the most vulnerable with financial assistance towards their council tax liability.
- The implementation of a scheme that provides support for vulnerable people and pensioners but also provides an incentive to encourage people to obtain employment.

This review of the Equality Assessment as at August 2018 considers the impact of the scheme against the protected characteristics defined by the Equality Act 2010, using the data profiles gathered from the CTS modelling function (CTR300), and SHBE (Single Housing Benefit Extract) records.

The protected characteristics are defined under age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender and sexual orientation.

Protected Characteristics

Age - The scheme is prescribed for pensioners to continue receiving up to a maximum of 100% of their Council Tax liability subject to means testing.

Prior to the introduction of the new scheme 136,400 customers were in receipt Council Tax Benefit. The split between pensionable age customers and working age customers was 38% (51,403) and 62% (84,997) respectively.

The EA review was carried out as at August 2018 which showed that the caseload of 121,788 had reduced by 14,614 cases since the start of the scheme in April 2013. The split between pensionable age customers and working age customers

Appendix 2

was 39,292 and 82,496 respectively. The majority of the reduced caseload is pension age (24%) decrease whereas the working age caseload has seen a smaller reduction of (3%).

The reduction in pensioner claims appears to follow the Government's predicted forecasts that claims for pensioners are set to reduce in the coming years as the national retirement age increases. The reduction cannot be attributed to the Birmingham scheme design as the scheme follows the prescribed regulations to protect pensioners at up to 100% of council tax liability and as such they are excluded from the 80% maximum discount for working age claimants not in a protected category.

The scheme also provides protection for customers with children under the age of 6. It was predicted prior to the introduction of the scheme, (using previous scheme data) that 21,129 customers would benefit from this protection. The current scheme data indicates 16,094 customers receive this protection as at August 2018 when the EA review was carried out.

The number of those protected in this grouping could be indicative of:

- a) current caseload trends
- b) national birth rate trends*
- c) notification of a relevant change in circumstance, such as the birth of a child. (Now that most working age customers must pay at least 20% towards their Council Tax bill, customers are more likely to keep us up to date with their circumstances so to receive their correct entitlement / protection from the minimum contribution).

*The Office of National Statistics has reported a 2.5% decrease in national birth rates in 2017, so numbers in this protected group are not expected to increase substantially (***Births in England & Wales, 2016, ONS August 2018***).

In April 2017, the Department of Works and Pensions introduced updated legislation in relation to a third (or more) children born after the 1st April 2017. Tax Credits will only pay Child Tax Credit for up to 2 children, and all Housing Benefit applicable amounts have been changed to reflect this.

The number of customers with a child under 6 reduced by 7.8%, but not all of this reduction is due to this change. The number of children attaining the age of 6 will have meant that cases have moved from Vulnerable with child under 6 years to other categories.

This demonstrates that the Birmingham scheme is meeting its overall objective of providing protection for families with young children as set out in the original Equality Assessment.

Disability - When designing the scheme for April 2013 it was proposed as part of the formal consultation to offer protection to disabled people who included in their benefit assessment a disability premium. At that point there were around 13,000 benefit claims meeting these criteria. In response to feedback as part of the formal consultation this definition was widened to include those customers in receipt of ESA who were in receipt of a qualifying benefit such as DLA. Similarly, maintaining support for people with disabilities, carers entitled to the carer's premium were also protected.

It was assumed prior to the introduction of the scheme, using Council Tax Benefit scheme data that 18,043 customers would benefit from this protection. August 2018 statistics showed that there are now 33,607 claims having been made from these groupings.

Since the introduction of the Council Support Scheme, the number of vulnerable claims has increased by 86%. The table below shows the increases year on year since 2013.

Year	No Claims	% increase from previous year	% increase since 2013
April 2013	18,043		
December 2013	22,118	23%	23%
August 2014	24,618	11%	36%
August 2015	27,389	11%	52%
August 2016	30,218	10%	67%
August 2017	33,042	9%	83%
August 2018	33,607	2%	86%

This demonstrates that the Birmingham scheme is meeting its overall objective of providing protection for people with disabilities as set out in the original Equality Assessment.

The marked increase in the number of those protected in these groupings could be indicative of:

- Current caseload trends confirm that the number of claims from vulnerable customers in August 2018 has increased by 546, an increase of 1.13% over the last twelve months.
- As most working age customers must pay at least 20% towards their Council Tax bill, customers are more likely to keep us up to date with their circumstances so to receive their correct entitlement / protection from the minimum contribution).

Gender reassignment – This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Marriage and civil partnerships - This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Pregnancy and Maternity- This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

The scheme does not provide any specific protection for this grouping; however following the birth of a child, if entitled to the discount, the claimant would receive protection as a member of the protected categories already set out as part of the scheme due to having a child under the age of 6.

Race – Analysis of the caseload indicates that the ethnicity breakdown of claimants is broadly comparable to that of last year, with less than a 1% (plus or minus) difference in most groups. We currently hold data on 30% of cases as opposed to 28% in August 2017. When the scheme began, we held data on 25% of the caseload, so given we have a reduced caseload since go-live, a small fluctuation in overall caseload percentages would be relative and therefore no disproportionate change is evident.

The scheme provides protection for customers with children under the age of 6. A comparison of the ethnicity of those protected is broadly comparable to last year, at less than a 1% (plus or minus) difference for most groups, with the exception of Black or Black British groups where the number of claims identified had increased from 510 cases in 2017 to 660 in 2018 (as 18% increase).

The reason for these changes could be due to the number of cases that now state ethnic origin; we have details on 67% of household vulnerable (claims with child/children under 6) cases in receipt of Council Tax Support discount, which is an increase in the in the percentage we were able to report in 2017 (59%) for this category.

National birth rate trends

*The Office of National Statistics has reported that the proportion of births to mothers born outside the UK is increasing year on year, in recent years, the percentage of births to women born outside the UK has been higher than the percentage of the female population of childbearing age born outside the UK.

There are two reasons for this:-

- Fertility levels are general higher for foreign-born women

- *the foreign-born and UK-born female populations of reproductive age have different age structures, with a higher proportion of foreign-born women being aged from 25 to 34, where fertility is highest

Similarly, when considering the ethnic background of those customers with disabilities who receive protection against the caseload ethnicity breakdown these are also broadly comparable to last year, at around 1% (plus or minus) difference for all groups.

*Just over a quarter 28.4% of births were born to mothers born outside the UK
(*Births in England & Wales, 2017, published July 2018*)

Religion and belief - This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Gender – Although this information is recorded, there is no adverse impact on the grounds of gender. The Birmingham Council Tax Support scheme is open to applications from persons of any gender and there are no aspects of the scheme which impact in any way on the availability of support to claimants based solely on gender.

Sexual Orientation- This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Birmingham Council Tax Support Scheme.

Council Tax Discretionary Hardship Fund

Birmingham City Council established the Council Tax Support Discretionary Hardship Scheme from 01 April 2013. This is a limited fund that is awarded to customers affected by the Council Tax Support scheme, particularly those not in a protected category and as such are now liable to pay the minimum of 20% who are experiencing extreme financial difficulty.

The fund was agreed at £250,000 in 2017/18, and the total awards made amounted to £196,984, and in 2018/19 the fund was again agreed at £250,000. The take up at end of August 2018 is £113,774.

The demand for this fund has been reducing year on year and the fund appears to be set at the appropriate level to meet need.

The Benefit Service continues to review its Council Tax Discretionary Hardship Fund policy and the Council will consider the most appropriate level of future funding for the fund as part of the overall budget setting process.

Conclusion

Following the sixth year review of the Equality Assessment for the Council Tax Support Scheme it has been concluded that Birmingham continues to protect the most vulnerable categories of claimant which includes those defined to have protected characteristics within the Equality Act 2010. As such further mitigation does not appear to be required.

Council Tax Support Scheme

April 2013

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1. Background

On 1 April 2013, Council Tax Benefit, the method of supporting low income households to pay their Council Tax, was abolished by the Government. It was replaced by a new local scheme of Council Tax Support defined and administered by each Local Authority.

The Government has stated that pensioners are to be protected from these changes and entitlement will be subject to the provisions of nationally defined regulations, similar to that of the former Council Tax Benefit scheme.

Working age claimants are subject to the provisions of a new local scheme of Council Tax Support determined by Birmingham City Council.

2. Introduction

As part of the process to introduce a local scheme, a consultation exercise with citizens of Birmingham was embarked upon and concluded on 2nd December 2012.

We have taken on board the views and comments that have arisen from the result of the consultation exercise and this document outlines the scheme of Council Tax Support in Birmingham.

This Scheme sets out a number of rules; however it will still be subject to amendments on secondary legislation in relation to:

1. Local Government Finance Act and subsequent secondary legislation;
2. Welfare Reform Act 2012 and any secondary legislation.

In this document 'the new Scheme' means the Council Tax Support Scheme (CTS).

In this document 'the current Scheme' means the former Council Tax Benefit Scheme (CTB).

3. Classes of Persons

This Scheme sets out rules for working age claimants. The Government has concluded that support for pensioners should be delivered through a national framework of criteria and allowances. As such regulations prescribe a scheme for claimants of state pension credit age. They also prescribe certain classes of persons who are not eligible to claim Council Tax Support, principally those citizens from abroad and refugees who do not have leave to remain in the country.

Eligibility for Council Tax Support is means tested and determined by reference to the household composition, income and capital of the claimant

and any partner; and by the income, capital and number of non-dependants in the household.

This Scheme states that the key principals and methods set out within the Government's default scheme regulations will be used to determine Council Tax Support, except where amendments are set out in this Scheme, by statute under the Local Government Finance Act, Welfare Reform Act and accompanying legislation, by changes as a result of the introduction of Universal Credit or where Birmingham City Council deems fit.

4. Key Features of the Scheme

Our Scheme is based on the following principles:

- people of working-age (unless specified) will have their Council Tax Support assessment based 80% of their council tax liability,
- people with disabilities (entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium) should be protected from this requirement;
- people in receipt of Employment Support Allowance with a qualifying disability related benefit should also be protected,
- people with dependant children under 6 should be protected,
- people in receipt of a war pension should be protected,
- people who qualify for the carer's premium should be protected,
- the backdating of claims should be limited to 1 month.
- A discretionary fund be set up to support people suffering from hardship

5. Classes of Reduction

Council Tax Support is calculated as a means tested discount, defined in principle by the terms of the Government's default scheme with the exceptions as identified below:

The eligible Council Tax will be limited in the following way:

- a) A 'cap' of 80% will be set as a proportion of the claimant's eligible Council Tax liability

This means the assessment of Council Tax Support for claimants other than those listed below will be set at 80% of their Council Tax charge. This capped liability will be used in the calculation of entitlement based on the claimant's circumstances.

As such most claimants of working age will be expected to contribute some payment towards their Council Tax bill the amount of which will be, dependent upon individual financial circumstances.

6. People with the Greatest Need of Support

Certain claimants shall be affected by the changes implemented and will continue to have their Council Tax Support assessment based on 100% of their Council Tax liability if the:

- Claimant or their partner is a pensioner
- Claimant or their partner is entitled to the disability premium, severe disability premium, enhanced disability premium or disabled child premium
- Claimant or their partner is in receipt of Employment Support Allowance with a qualifying disability related benefit
- Claimant or their partner receives a war disablement pension, war widows pension or war widower's pension
- Claimant or their partner has a dependent child under 6
- Claimant or their partner qualifies for the carer's premium

As such people with the greatest need of support, pensioners, carers, those with a disability, those in receipt of a war pension, those with dependant children under 6 years of age and those with a disabled child shall be excluded from the liability cap as detailed in section a) and will continue to receive support at the same level as Council Tax Benefit.

7. Backdating

This Scheme introduces a maximum limit for backdating Council Tax Support claims up to 1 month. This is in line with Government plans for Universal Credit.

8. Hardship Fund

A discretionary Hardship Fund has been created to support people suffering from genuine hardship, whether or not they fall into the category of people with greatest need of support. This reflects our aim to support the most vulnerable in our society.

9. General Administration of the Scheme

The section below details in general how the Council Tax Support Scheme shall be administered:

9.1 Applications

An application shall be required for all new claims from the 1st April 2013.

Applicants may apply either in:

- Writing, with a form provided free for the purpose
- By means of electronic communication
- By Telephone

Where an application is received which is not supported by all necessary evidence we will write to the claimant to give notice of this and provide an opportunity for this to be corrected by supplying the required information.

Claimants currently in receipt of Council Tax Benefit will transfer onto the new Council Tax Support scheme. .

A review process will be implemented by Birmingham City Council for new and existing awards. Awards will be reviewed in a time period to be determined by Birmingham City Council and failure of the claimant to fulfil any request during a review of their award may result in the termination of that award.

9.2 Electronic Communication

Claimants may use electronic communication in relation to their claim.

However the claimant must use an approved method of

- Authenticating their identity
- Communicating electronically
- Authenticating any claim or notice delivered in this manner

Where a claimant uses electronic communication that is not approved, then the information or evidence will not be accepted as being received.

Birmingham City Council may make use of intermediaries in relation to electronic communication and may require other persons to use intermediaries.

Electronic information shall not be treated as being received until such time as it is accepted by Birmingham City Council's computer system.

If necessary to prove the date of receipt of an electronic communication, the date of receipt shall be the date of receipt shown on Birmingham City Council's computer system.

9.3 Evidence

Birmingham City Council may request such evidence as it requires to determine entitlement.

Claimants will be given one month to provide any information requested.

9.4 Amendment and Withdrawal of Application

Claimants may amend any application before Birmingham City Council has made a decision on it.

Claimants can withdraw an application at any time.

9.5 Claimant's Duty to Notify Change in Circumstances

Claimants have a duty to notify Birmingham City Council of any changes in their circumstances that may affect entitlement, in the same manner as within the former Council Tax Benefit regulations.

9.6 Decisions

Apart from where statutorily required, advice of any Council Tax Support granted, removed or revised will be by an adjustment to the Council Tax Bill and the bill itself will be the formal notification. Birmingham City Council also reserves the right to include additional notifications informing of an award or non-award made under the new scheme of Council Tax Support.

9.7 Overpayments

Any overpayment of Council Tax Support granted to which a claimant was not entitled to receive shall be recovered by an adjustment to the Council Tax bill.

9.8 Time and Manner of Granting a Reduction

The manner in which Council Tax Support should be applied is the same as under former Council Tax Benefit rules, i.e. made to the customers Council Tax account for the relevant financial year unless extenuating circumstances apply.

Where Birmingham City Council revises a decision and deems that the claimant was entitled to more support, it has a duty to make good that shortfall by reducing any future payments required for Council Tax.

Where the claimant has since died and Birmingham City Council is unable to make payment to the account, such payment should be made to the administrator of the estate.

9.9 Appeals Process

Birmingham City Council shall give all claimants the opportunity to make written representation where they believe their claim has been dealt with incorrectly and we will look at this decision again.

Where a claimant remains unhappy with a decision following the above process, they may appeal to the Valuation Tribunal.

9.10 Annual Reassessment

Any figures set out in the Scheme may be uprated, to take effect on 01 April each year, by the consumer price index, retail price index rate of inflation set out in the preceding September, or by another rate determined with reference to provisions made for Housing Benefit and Universal Credit or as decided by Birmingham City Council.

9.11 Discretionary Reduction

Discretionary reductions will be considered by Birmingham City Council under section 13A (1) (c) of the Local Government Finance Act where customers can demonstrate severe hardship. An application must be made in writing or by electronic communication.

10. Other Matters

This document may be subject to change following public consultation, Government statute or any other means deemed appropriate by Birmingham City Council.

Further proposals may be set for subsequent years of the Scheme starting 01 April 2014 and beyond but should this happen these will be subject to further consultation.

The final local Scheme for 2013/14 was approved by the Council in January 2013 and shall be reviewed annually thereafter.

Glossary of Terms

Backdated Award – In some cases we have been able to pay people a period of up to six months before they made a claim. The person will have needed to have had a good reason for not making a claim sooner than they did.

Carers – For the purpose of Council Tax Support – Carers are defined for this purpose as a claimant or their partner who is in receipt of carer's allowance and as a result qualifies for the carers' premium within the current Council Tax benefit system.

Council Tax – A local tax based on the property valuation. It is used to fund public services.

Council Tax Benefit – This is the current system to help someone on a low income or no income to pay their Council Tax.

Council Tax Support – This is the new scheme to help someone on low income or no income to pay their Council Tax

Council Tax Liability – The amount of Council Tax that a person is liable to pay before any Council Tax Benefit is deducted.

Dependant – A child (under 16) or young person up to the age of 20 who lives with the claimant and for who the claimant or their partner receives Child Benefit in respect of.

Disabled – For the purpose of Council Tax Support - People with a disability are defined for this purpose as a claimant or their partner who is entitled to the disability premium, severe disability premium or enhanced disability premium within the current Council Tax benefit system. This includes claimants or their partners who are registered blind, have been off sick for 52 weeks or more or are getting benefits such as Disability Living Allowance, Attendance Allowance, Severe Disablement Allowance, long term Incapacity Benefit etc (see http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/OtherBenefitsAndSupport/DG_068683 for further information).

This definition also includes a claimant or their partner who are entitled to the disabled child premium for a dependant child who is registered blind or is getting Disability Living Allowance.

Employment Support Allowance with a qualifying disability related benefit – For the purpose of Council Tax Support - People with a disability are also defined for this purpose as a claimant or their partner who is in receipt of Employment Support Allowance and a qualifying disability related benefit.

A qualifying disability related benefit is defined by the disability premium, severe disability premium or enhanced disability premium within the current Council Tax benefit system. This includes claimants or their partners who are registered blind, have been off sick for 52 weeks or more or are getting benefits such as Disability

Living Allowance, Attendance Allowance, Severe Disablement Allowance, long term Incapacity Benefit etc (see http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/OtherBenefitsAndSupport/DG_068683 for further information).

Pensioner – We will follow the definition of a pensioner in line with the statutory guidance. On the 01 April 2013 this will be someone who was born before 06 October 1951

War Pension - For the purpose of Council Tax Support - Someone who is in receipt of War Disablement Pension, a War Widows Pension or War Widower's Pension.

Working Age - We will follow the definition of working age in line with the statutory guidance. On the 01 April 2013 this will be someone who was born on or after 06 October 1951

CITY COUNCIL

15 January 2019

REPORT OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE**GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES****Introduction**

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

Background

2. Section 349 of the Gambling Act 2005 requires the Licensing Authority to publish a Statement of Gambling Principles.
3. The current Statement of Gambling Principles has been in effect since May 2016.
4. The City Council is required to approve a new Policy to come into force with immediate effect and the enclosed document is now presented for approval.
5. A full review of the Gambling Principles which includes greater emphasis on social responsibility and risk assessment has been completed and a draft Policy was circulated to stakeholders, including (but not limited to) the list of statutory Consultees, being:
 - The Chief Officer of Police.
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
6. The licensing authority invited comments to be submitted on the interim draft Statement of Gambling Principles from 15th October – 25th November 2018.
7. On 19 December 2018, the Licensing and Public Protection Committee considered the responses to the consultation as well as the proposed amendments to the Statement of Principles and approved the draft document.

MOTION

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

- (i) the City Solicitor to update the list of Policy Framework Plans to include the same; and
- (ii) the Acting Director of Regulation and Enforcement to do what is necessary to publish and comply with the same.

BIRMINGHAM CITY COUNCIL

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005



This Statement of Licensing Principles was approved by Birmingham City Council on 15th January 2019 and is to be Effective from 14th February 2019.

BIRMINGHAM CITY COUNCIL STATEMENT OF PRINCIPLES Gambling Act 2005

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*This Statement of Licensing Principles was approved by **Birmingham City Council** on **15th January 2019** and is to be Effective **from 14th February 2019**.*

PART A

1. The Licensing Objectives

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

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

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

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

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

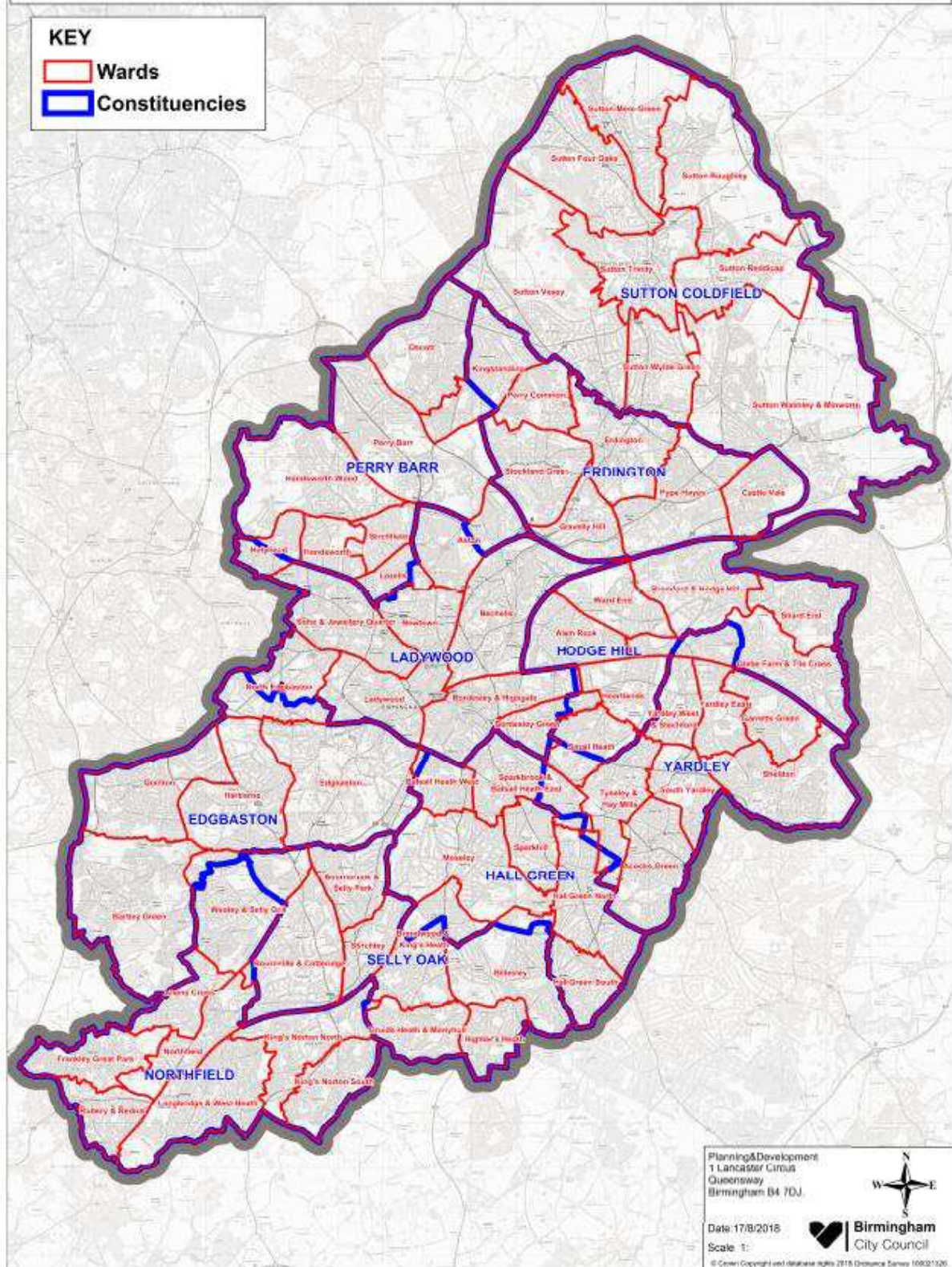
2. Introduction

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

Birmingham Wards & Constituencies

KEY

- Wards
- Constituencies



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

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

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

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

List of persons this authority consulted:

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

Our consultation took place between **15th October and 25th November 2018**.

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

The policy was approved at a meeting of the Full City Council on 15th January 2019 and was published via our website on. Copies were placed in the public libraries of the City. This Policy is effective from 14th February 2019.

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

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

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

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

3. Declaration

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

4. Responsible Authorities

Any responsible authority may make representations.

'Responsible Authority' is defined as:

- a licensing authority in whose area the premises is wholly or partly situated;
- the Gambling Commission;
- the Chief of Police within which the premises are situated;
- the Fire Authority within which the premises are situated;
- the local authority Planning Authority within which the premises are situated;
- the local authority for which statutory functions are exercisable in relation to minimising or reducing the risk of pollution to the environment or harm to human health in which the premises are situated;
- a body which represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and is recognised by the licensing authority for that area for the purpose of this section as being competent to advise it on such matters;
- HM Revenue & Customs;
- any other person prescribed in regulations by the Secretary of State.
- In relation to a vessel:
 - (i) a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any water where it is or is proposed to be navigated at a time when it is used for licensable activities;
 - (ii) the Environment Agency;
 - (iii) the Canal and River Trust;
 - (iv) the Secretary of State; or
 - (v) any other person prescribed in regulations by the Secretary of State.

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

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

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

5. Interested parties

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

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

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

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

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

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

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

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

of the Human Rights Act 1998.

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

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

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

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

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

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

6. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 2018 will not be contravened. The licensing authority will also have regard to any Guidance issued

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

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

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

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

7. Enforcement

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

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

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

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

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

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

Birmingham City Council has developed a protocol for enforcement and will continue partnership working with the Gambling Commission and other enforcement organisations to promote a consistent approach between them. The protocol will encompass a strategy of targeting high-risk premises and will ensure intelligence led policing and regulation.

The protocol will actively promote regular inspections of licensed premises which, following risk assessments, have been found to be problematic or high risk.

The Licensing Authority already has developed working protocols such as:

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

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

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

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

8. Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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

Information on gaming machines permitted at each premises type, gaming machine entitlements and gaming entitlements for clubs and pubs is available on the Gambling Commission website.

<http://www.gamblingcommission.gov.uk/Gambling-sectors/Gambling-sectors>

PART B

PROMOTION OF THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT 2005²

Licensing objectives

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

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

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

Ensuring that gambling is conducted in a fair and open way

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

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

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

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

As regards the term "vulnerable persons" it is noted that the Gambling Commission

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

PART C

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

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

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

(i) Decision-making:

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

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

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

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

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

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications

for premises licences" (except as regards any 'no casino resolution' - see section on Casinos and also that unmet demand is not a criterion for a licensing authority.

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

(ii) Definition of “premises”:

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

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

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

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

- permit.
- Customers should be able to participate in the activity named on the premises licence.

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

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

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

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

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises “ready for gambling”:

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

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

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

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

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

(iv) Location:

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

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

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

- a school or other educational facility;
- a residential area with high concentration of families with children;

- a centre for children;
- a centre for vulnerable adults.

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

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

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

(v) Planning:

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

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

(vi) Duplication with other regulatory regimes:

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

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

and other regulations and must not form part of the consideration for the premises licence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;

- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

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

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

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

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

Other matters that the assessment may include:

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

used to provide facilities for gambling in reliance on the licence.

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

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

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

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

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

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

2. Adult Gaming Centres

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

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

- proof of age scheme;
- CCTV;
- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;

- notices and signage displayed externally stating access to the premises is restricted to persons 18 years of age and over;
- notices displayed internally stating use of gaming machines is restricted to persons 18 years of age and over;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

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

3. (Licensed) Family Entertainment Centres:

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

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

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

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

4. Casinos

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

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

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

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

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

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

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

The Licensing Authority may also consider it appropriate to require members of the public entering casino premises to continue to produce proof of ID on entry in order

to effectively support self-exclusion schemes, and to act as a deterrent for persons who may be considering targeting the premises for illegal/criminal activities.

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

5. Bingo premises

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

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

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

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

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

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

Where category C or above machines are made available in premises to which children and young persons are admitted the premises licence holder must ensure that:

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

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

6. Betting premises

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

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

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

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

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

The Licensing Authority will expect applicants to offer their own measures to meet

the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

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

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

7. Tracks

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

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

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

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

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

- proof of age scheme;
- CCTV;
- supervision of entrances/machines;

- physical security measures on the premises;
- physical separation of areas for category C and above gaming machines;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

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

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

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

Applications and plans

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

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

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

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

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties

associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Vessels and Vehicles

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

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

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

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

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

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

9. Travelling Fairs

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

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

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

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

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

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

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

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

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

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

11. Reviews:

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

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

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

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

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

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

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

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

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

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

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

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

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

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

PART D

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. Permits

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

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

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

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

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

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

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

Licensing authorities might wish to consider asking applicants to demonstrate:

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

- Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

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

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

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

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

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

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

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

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

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

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

Permit: For 3 or more machines

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

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

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

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

licensed premises under this Act.

A person who holds the “on-premises” alcohol licence may apply to the Licensing Authority for a permit specifying any number of category C or D machines but when considering the application the Licensing Authority will have regard to the licensing objectives, and may also take into account any matters that are considered relevant to the application. These may include:

- the appropriate siting of gaming machines in areas where children are not normally permitted;
- the size of the premises;
- the supervision of gaming machines at all times when the premises is open;
- notices by each gaming machine specifying no person under 18 years old are permitted to use the gaming machine;
- age verification checks;
- ensuring members of staff are appropriately trained;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

The Licensing Authority can grant or refuse an application. In granting the application the Licensing Authority can also vary the number and category of gaming machines authorised by the permit.

If the Licensing Authority intends to refuse or vary an application the applicant will be notified prior to the refusal or variation in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority will specify the form and manner in which an application must be made, and will specify the information and supporting documents required, these may include:

- plans of the proposed building;
- insurance certificates; and
- any other documents deemed necessary or appropriate.

The Licensing Authority will comply with any guidance produced by the Gambling Commission, and when considering a permit application may request further information from an applicant regarding any matters of concern, which may include:

- the suitability of the applicant;
- the location of the premises;
- confirmation of intended opening hours;
- confirmation of the types of gaming to be offered;
- the applicant will be required to demonstrate they have a full understanding of the limits to stakes and prizes that are set out in Regulations;
- the applicant will be required to demonstrate the gaming offered is within the law;
- ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
- ensuring a premises maintains acceptable levels of security at all times during opening hours;
- CCTV provisions at the premises and surveillance of the premises;
- evidence that members of staff are appropriately trained;
- a willingness to participate in the Council's 'pupil watch scheme' in connection with suspected truant school children on the premises;
- any other factors that are within the control of the permit holder or designated management.

The Licensing Authority will give significant weight to all issues relating to the protection of children and young persons.

The Licensing Authority may grant a permit only if they have consulted the Chief of Police about the application.

Where relevant representations are received from the Chief of Police and the Licensing Authority intends to refuse an application based on the objections the applicant will be notified prior to the refusal in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- participation in the gaming must not entitle the player to take part in any other gambling.

5. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as prescribed in regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance is that Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Licensing Authority, when considering a club gaming and club machine permit application, may require the applicant to provide evidence that the club fulfils the requirements for a members' club, or miners' welfare institute or commercial club (Commercial clubs cannot provide gaming and games of chance).

Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and, therefore, is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit under the process are:

- that the club is established primarily for gaming, other than gaming prescribed

- under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

6. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" is contained in Part 8 of the Act. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

In referring to a set of premises, the Act provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a Notice. This prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

A Temporary Use Notice must be submitted to the Licensing Authority not less than 3 months and one day before the first day on which the gambling event will begin.

In addition a copy of the notice must also be served on:

- the Gambling Commission,
- the Chief Officer of Police,
- the Commissioners of Customs and Excise,
- any other licensing authority in whose area the premises are situated.

(See appendix 2 for relevant addresses.)

The same premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

Should the Licensing Authority or the other bodies served with copies of the temporary use notice consider that the gambling should not take place, or only with modifications, they will issue a notice of objection within 14 days of the date of the temporary use notice.

Where relevant representations are made, a hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee to consider representations.

The Licensing Authority will determine the notice after considering supporting evidence from the server of the notice and any objectors who have made representations.

If the Licensing Authority considers that a temporary use notice should not have effect a counter-notice will be issued which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activity to take place subject to a specified condition

7. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

In considering an occasional use notice the Licensing Authority will consider the definition of a 'track' and whether the server of the notice is permitted to avail themselves of the notice.

Betting on a track will be permitted by an occasional use notice providing it is for 8 days or less in a calendar year. The calendar year will commence on the 1st January.

The notice must be served by a person who is responsible for the administration of events on the track, or by an occupier of the track.

A notice must be served on the Licensing Authority and copied to the Chief of Police.

The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall limit of 8 days is not exceeded in a calendar year.

The Licensing Authority will maintain a record of the number of notices served in a calendar year to ensure the limit of 8 days is not exceeded.

Providing that a notice will not result in betting facilities being available for more than 8 days in a calendar year, no counter notices or objection can be submitted.

No gaming machines may be provided by virtue of an occasional use notice.

8. Registration of Small Society Lotteries

All applications for registration must be made in the form specified by the Secretary of State, and accompanied by any supporting documents specified by the Secretary of State or required by the Licensing Authority.

The Licensing Authority, when considering an application for registration, may request any additional information it deems appropriate. This may include a declaration from the governing body of the society stating:

- the application is on behalf of a bona fide non-commercial society;
- that all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- the purpose of the Society and; the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have the authority to sign and complete the required financial returns.
- where a society intends to employ an external lottery manager evidence that person holds an operators licence issued by the Gambling Commission.

If the Licensing Authority is intending to refuse an application to join the register the applicant will be notified in writing of the reasons why it is considering refusal, and the evidence on which it has based that preliminary conclusion. The applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters.

Further guidance about the processes and procedures under the Gambling Act 2005 can be obtained from the Licensing Service

Tel No: 0121 303 9896.

e-mail: licensing@birmingham.gov.uk

website: www.birmingham.gov.uk/licensing

APPENDIX 1

DELEGATION OF FUNCTIONS REGARDING THE GAMBLING ACT 2005

Subject	Full Council	Licensing & Public Protection Committee	Licensing Sub-Committees	Officers
Three year licensing policy	X			
Policy to permit casino	X			
Fee setting (when appropriate)		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Gambling Commission	Where no representations received or representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Review of a premises licence			X	
Application for a club/gaming club machine permits			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Cancellation of club gaming/club machine permits			X	
Application for other permits			Where an application is received to operate more than 4 gaming machines on an alcohol licensed premises	Where an application is received to operate 4 or less gaming machines on an alcohol licensed premises
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

Decision to attach/exclude a premises licence condition			X	
To administer and carry out all other functions not specifically mentioned in the delegation to the Licensing & Public Protection Committee, which are capable of being delegated to an officer as provided in the Gambling Act 2005 and any regulations made under that Act, together with any related functions				X

RESPONSIBLE AUTHORITIES – CONTACT ADDRESSES
ALL TO BE VERIFIED AND UPDATED WHERE NECESSARY

Birmingham City Council Licensing Section 1-3 Ashted Lock Way BIRMINGHAM B7 4AZ licensing@birmingham.gov.uk	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP Tel: 0121 230 6500 licensing@gamblingcommission.gov.uk
Birmingham City Council Environmental Health Licensing Application Place Directorate Performance & Support Services 2 nd Floor Council House Ext. 6 Margaret Street BIRMINGHAM B3 3BG pollution.team@birmingham.gov.uk	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom Tel: 0300 322 7072 Option 7 nrubetting&gaming@hmrc.gsi.gov.uk
Birmingham Licensing Department West Midlands Police Lloyd House 2 Colmore Circus Queensway BIRMINGHAM B4 6AT bw_licensing@west-midlands.pnn.police.uk	West Midlands Fire Service Headquarters 99 Vauxhall Road BIRMINGHAM B7 4HW firesafety.admin@wmfs.net
Birmingham City Council Planning Control Division Po Box 28 1 Lancaster Circus Queensway BIRMINGHAM B1 1TU PlanningandRegenerationEnquiries@birmingham.gov.uk	Safeguarding Practice Learning Manager Child Protection, Performance And Partnership Birmingham Children's Trust 1 Lancaster Circus Ground Floor, Zone 02 PO Box 16895 BIRMINGHAM B2 2LD safeguardingchildrenlicensing@birminghamchildrenstrust.co.uk
In respect of a vessel	
Environment Agency Midlands Regional Office 550 Streetsbrook Road SOLI HULL B91 1QU Tel: 0870 850 6506	Canal & River Trust Peel's Wharf Lichfield Street Fazeley TAMWORTH B78 3QZ Tel: 01827 252000

**REPORT OF THE CABINET MEMBER FOR SOCIAL INCLUSION, COMMUNITY
SAFETY AND EQUALITY
CITY OF SANCTUARY POLICY STATEMENT 2018-22**

SUMMARY

The attached “City of Sanctuary Policy Statement”, sets out Birmingham City Council’s renewed commitment to enabling Birmingham to be a “City of Sanctuary”. A City of Sanctuary is a city which provides a welcoming, inclusive place of safety for asylum seekers, refugees and migrants. The Council also recognises that this needs to be more than just about how asylum seekers, refugees and migrants arrive in and are welcomed but about how they settle and integrate in the city. Where this can be achieved there will also be benefits for all of Birmingham’s citizens and communities.

Birmingham City Council’s vision is for Birmingham to be a city of growth where every child, citizen and place matters, and this should apply equally to all of Birmingham’s residents including new arrivals and migrant communities. This statement supports this vision and sets out the Council’s aims and commitments to supporting asylum seekers, refugees and migrants for 2018-22. This sits alongside and with the Council’s priorities, outcomes and plan for 2018-22 to ensure that the approach taken to creating a City of Sanctuary is relevant and aligned to, as well as integrated within the Council’s existing commitments to the city, its stakeholders and communities.

In 2015 Birmingham City Council pledged its commitment to Birmingham being a City of Sanctuary and a welcoming place of safety for all, proud to offer sanctuary to people fleeing violence and persecution. In doing so it joined the City of Sanctuary movement which started in the UK in 2005. At the same time the Council pledged to welcome 550 Syrian refugees via the Syrian Vulnerable Persons Resettlement Scheme. This commitment was refreshed in 2017 with the adoption of a City of Sanctuary position statement, outlining a number of actions and initiatives the Council was engaged in to help deliver this commitment. This policy statement is the next iteration of the Council’s commitment to being a City of Sanctuary, also including migrants to reflect the UK’s changing status in the European Union.

The policy statement sets out the strategic context to migration in Birmingham, particularly recognising both the demands and opportunities which asylum seekers, refugees and migrants create for the city. It also recognises the initial challenges in resettling and integrating these groups, but that where this is done successfully there can be significant benefits for all of Birmingham’s communities.

MOTION

That the City of Sanctuary policy statement (Appendix 1) is approved as the City Council’s new commitment to supporting the resettlement and integration of asylum seekers, refugees and migrants in Birmingham. In addition that the Assistant Chief Executive and Corporate Director for Adult Social Care and Health be authorised to publish and disseminate the document as appropriate.

Birmingham City of Sanctuary Policy Statement 2018-22

Summary

The purpose of the City of Sanctuary policy statement is to set out Birmingham City Council's commitment to enabling Birmingham to be a "City of Sanctuary". A "City of Sanctuary" is a city which provides a welcoming place of safety for asylum seekers, refugees and migrants. The Council also recognises that providing a welcoming place of safety needs to be more than just about how asylum seekers, refugees and migrants arrive in and are welcomed but about how they settle and integrate in the city. Where this can be achieved there will also be benefits for all of Birmingham's citizens and communities.

Birmingham City Council's vision is for Birmingham to be a city of growth where every child, citizen and place matters, and this should apply equally to all of Birmingham's residents including new arrivals and migrant communities. This statement supports this vision and sets out the Council's aims and commitments to supporting asylum seekers, refugees and migrants for 2018-22. This sits alongside and with the Council's priorities, outcomes and plan for 2018-22 to ensure that the approach taken to creating a City of Sanctuary is relevant and aligned to, as well as integrated within the Council's existing commitments to the city, its stakeholders and communities.

Background

The City of Sanctuary movement started in 2005 with the mission to "work to build a culture of welcome, hospitality and inclusiveness right across every sphere and sector of society, so that wherever people seeking sanctuary go they will feel safe, find people who welcome them and understand why they are here, and have opportunities to be included in all activities". Sheffield was the first City Council to commit to becoming a City of Sanctuary in 2007 and many more have followed.

The City of Sanctuary movement in the UK should not be confused with the sanctuary city movement in the US, which is concerned with the enforcement of immigration legislation. The clear difference between the US and UK is that the US movement is about limiting cooperation between local and federal/central government, whilst the UK movement can assist better working relationships and joint working between local and central government in order to resettle refugees. This can be seen in the pledges made by local government to resettle 20,000 Syrian refugees across the UK, which in Birmingham was directly linked to adopting City of Sanctuary status.

In 2015 Birmingham City Council pledged its commitment to Birmingham being a City of Sanctuary and a welcoming place of safety for all, proud to offer sanctuary to people fleeing violence and persecution. At the same time the Council pledged to welcome 550 Syrian refugees via the Syrian Vulnerable Persons Resettlement Scheme. This commitment was refreshed in 2017 with the adoption of a City of Sanctuary position statement, outlining a number of actions and initiatives the Council was engaged in to help deliver this commitment. This policy statement is the next iteration of the Council's commitment to being a City of Sanctuary.

The previous commitments to being a City of Sanctuary referred only to asylum seekers and refugees. However during the next four years the UK will be leaving the European Union, which will start to affect the perceived and actual status of migrants residing and working in, as well as visiting Birmingham. Therefore it is important to ensure that this statement is extended beyond asylum seekers and refugees to also include migrants to ensure that they also can feel that Birmingham is a welcoming place of safety, both during and after Brexit.

Definitions

This policy statement refers to asylum seekers, refugees and migrants each of whom have different legal statuses in the UK and different reasons for coming to Birmingham.

Asylum Seekers are people who have claimed asylum under the 1951 United Nations Convention on the Status of Refugees on the ground that if he is returned to his country of origin they have a well-founded fear of persecution on account of race, religion, nationality, political belief or membership of a particular social group. They remain an asylum seeker during their application or an appeal against refusal of their application is pending. If their claims for asylum are successful they are granted refugee status.

Asylum seekers and refused asylum seekers have “No Recourse to Public Funds” (NRPF), restricting their access to certain welfare benefits and social housing. They are though entitled to access health services, though in some cases they may be charged for treatment in secondary care services. They are also unable to work and refused asylum seekers have no legal rights to remain in the UK. The current success rate for appeals for asylum claims (also known as a second asylum claim) is between 30 and 40% in Birmingham. Where appeals are unsuccessful people are given refused asylum seeker status.

It is difficult to estimate the numbers of asylum seekers and refused asylum seekers in Birmingham but we do know that there are approximately 1,600 asylum seekers claiming

s.95 and s.4 (Immigration and Asylum Act 1999) support, subsistence and housing in the city.

Unaccompanied Asylum Seeking Children (UASC) are children who enter the UK to claim asylum in their own right, and who are not accompanied by anyone who by law or custom would be responsible for their care. These children are accommodated by children’s services as children in care. Many of these children arrive in Birmingham after travelling through Europe. Some other asylum seeking children are in care having been brought to the UK under Section 67 Immigration Act 2016 (the ‘Dubs Amendment’, part of the Vulnerable Children’s Resettlement Scheme), or having left the care of family since initially coming to the UK to join extended family already settled in the UK (under Dublin III asylum regulations).

The ages of unaccompanied asylum seeking children are assessed according to national guidance provided by the Home Office and case law. Where there is a need to assess a young person’s age, this is conducted by Local Authority social workers.

Refugees are people fleeing armed conflict or persecution. They are so recognised precisely because it is too dangerous for them to return home, and they need sanctuary elsewhere. Refugees are defined and protected in international law via the 1951 Refugee Convention and its 1967 Protocol as well as other legal texts, such as the 1969 OAU Refugee Convention. One of the most fundamental principles laid down in international law is that refugees should not be expelled or returned to

situations where their life and freedom would be under threat.

In the UK refugees are people whose asylum claims have been granted and therefore are legally entitled to remain in the UK for a defined or indefinite period of time depending on their individual circumstances. They are also legally allowed to work, access welfare, housing and other public services. The numbers of refugees in Birmingham is not known and is difficult to estimate. However Birmingham has pledged to accommodate 550 Syrian refugees via the Syrian Vulnerable Persons Resettlement Scheme between 2015 and 2020.

Migrants are people who choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return. If they choose to return home, they will continue to receive the protection of their government.

For individual governments, this distinction is important and countries deal with migrants under their own immigration laws and processes. There are a variety of visas, routes and reasons that migrants may use to live in the UK. This applies to migrants from inside and outside the EU and can include for work or for study, indefinitely or for a set period of time, for instance. Whilst there are many migrants who are in the UK legally, there are also some who do not have a legal right to be in the UK and are therefore excluded from welfare, housing and employment, for instance.

There are estimated to be 48,000 migrants living in Birmingham, many of whom have arrived from one of the 27 other EU member countries. There are though significant numbers of non-EU migrants who are living and working legally in the city.

Strategic context to migration in Birmingham

Migration is a new term for a concept, which is as old as the human race. Ever since the first homo sapiens left Africa, people have moved freely across land and sea in search of a new life and new beginnings. In the UK, our own history is rich with stories about the Romans, Saxons, Vikings and Normans, to name a few, coming to this island and settling, establishing new towns, cities, language and cultures. Migration is therefore an inherent part of our history, language, culture and society. It is also literally part of our DNA.

As our civilisation and society has developed so have terms such as migrants, refugees and asylum seekers, particularly over the last few centuries. The UK first became a destination for refugees in the 16th century, when Protestants were fleeing persecution in France. Ever since, England has provided a sanctuary for people forced to leave their country in order to escape war, persecution, or natural disaster. During the 20th century the UK provided a sanctuary to people fleeing the first and second world wars, Nazi Germany, civil wars in Spain and

Yugoslavia, Soviet oppression in Eastern Europe, as well as a range of other wars, genocide events and conflict zones across the world.

Despite the advances the human civilisation continues to make, the world is becoming no safer for large parts of the human population. Conflict continues with people fleeing war and conflict zones particularly in the Middle East and Africa, and countries such as Syria, Iraq, Libya, Afghanistan, Yemen and Sudan, for instance. Genocide continues with people fleeing places such as Sudan and Rohingya. Religious intolerance and persecution continues with people fleeing places such as Nigeria, Pakistan and Somalia. People also continue to flee persecution from their governments in places like Eritrea, Iran and China. As long as the world remains unsafe for so many reasons and for so many people there will be a need for countries such as the UK to provide sanctuary to people claiming asylum, protection and refugee status.

In addition to humanitarian reasons there continues to also be a range of economic reasons why the UK has and continues to provide a home and sanctuary to migrants. The European Union and the movement of people across countries for employment and enterprise is one of a long line of activities and initiatives which have enabled and supported migrants to move to the UK for employment and enterprise. Since the 16th century there are well evidenced examples of people from across Europe, Africa and Asia coming to the UK and making significant contributions to the UK's skills and industries. This has included textiles and silk, shipping, food and drink (including the introduction of curry to

the UK and Birmingham), agriculture, construction, as well as a range of professional skills. In more recent years migrant skills and labour have become synonymous with the NHS, with nearly 40% of the UK's registered doctors earning their medical qualification outside Britain, whilst Caribbean born nurses were a critical part of the NHS' early workforce.

Beyond employment, migrants have been and continue to punch well above their weight in setting up new businesses. Migrant entrepreneurs, for example are responsible for the creation of 1 in 7 UK companies and businesses and for businesses which have created 14% of all British jobs. In Birmingham there are well known names across the food and drinks, recruitment, fashion, finance and retail industries which have been created by migrant entrepreneurs. An important factor is that the UK (and Birmingham) provides a platform and opportunities for people to apply their skills, determination and enthusiasm which might not be available to them in the economies and countries they have left. These are often skills and qualities not easily accessible or obtainable for the resident UK population.

During the 20th century the UK was a country with net emigration rather than net immigration until 1979. Ever since then net immigration has consistently exceeded net emigration. This period coincides with the UK becoming the fourth biggest economy in the world (now the fifth), which has in part been driven by the productivity and economic benefits of migration. The success story of the UK's economy has also provided a

significant draw to refugees and migrants from across the world.

In 2016 the total number of new refugees and migrants arriving in Birmingham was 15,409, which represents just 1.4% of the total Birmingham population. With 6,364 migrants, refugees and UK citizens leaving Birmingham in the same year the total net migration of 9,045 is a relatively modest number of people for a city the size of Birmingham to be absorbing within its communities and an existing migrant and refugee population of approximately 250,000 people (non-UK born residents). However, these figures are increasing year on year and within both the regional and national context Birmingham needs recognition that it is doing more than most other cities to welcome asylum seekers, refugees, EU and non-EU migrants. In the West Midlands only Coventry saw a bigger percentage increase in its population due to migration, whilst less than half of Local Authorities in the region and nationally are supporting the asylum and refugee support and resettlement schemes which Birmingham is signed up to.

It is difficult to determine the long-term trends concerning refugees and migration. As referenced, for nearly forty years now the UK has been a country with net immigration and there continues to be a need for people to seek asylum in the UK. A reasonable assumption can therefore be made that the UK and urban centres, such as Birmingham will continue to have net immigration for the foreseeable future. However, with the UK leaving the EU the profile of immigration is likely to change with the current government already signalling that EU and non-

EU citizens may be subject to the same immigration controls. This may result in a reduction in the number of EU migrants arriving in the UK and Birmingham. Evidence clearly shows that migrants and migration have a positive impact on the UK's economy. It is reasonable to assume that any changes to immigration policy and controls will therefore favour those migrants who can have a positive and beneficial impact on the UK economy.

In terms of trends to asylum, as referenced the need for people to claim asylum in the UK is unlikely to change in terms of the volume. However the profile of this is very likely to change as current conflicts come to an end and new ones start-up. Likewise as governments and regimes change around the world, these are also likely to result in the need for some people to flee their home countries. One change which may happen though is how the UK receives asylum seekers. The Syrian Vulnerable Persons Resettlement Scheme has been deemed by many as a more effective and successful way of receiving and resettling refugees. A key element of the scheme is that the claims of asylum seekers are reviewed and decided on from their country of origin (in this case places like Syria and Lebanon). In the future the UK may adopt similar schemes and broaden this approach out to a broader range of asylum seekers.

The demands created by asylum seekers, refugees and migrants on public services and communities, needs setting against the pressures Birmingham City Council and the city are already under from shrinking budgets and increasing demands on public services. Between 2010/11

and 2020/21 Birmingham City Council's budget will have reduced by £760 million as a result of cuts to its government grant. This means less capacity and less people to deliver services. In addition, being the youngest city in Europe, whilst positive creates huge demands on services for children, young people, families and for education. Aligned to that there is a significant older people which is living longer and requiring increasingly more support and services from the social care and health system. Essentially there are limits to Birmingham's capacity to be able to successfully welcome, settle and integrate migrant communities.

In addition, whilst the overall numbers of migrants and refugees arriving and living in the city are fairly modest compared to the overall population, the impact of migration on services and communities is not being felt evenly across the city. There are many parts of Birmingham which are untouched by the issue of migration, compared to several Wards and neighbourhoods which have become a particular focal point for new arrivals and communities. This is presenting several challenges to services and communities in those neighbourhoods, particular West Birmingham where this issue is particularly acute:

- Increasing pressures on schools due to additional demand for school places and a lack pupils who have English as a first language;
- Increasing pressures on NHS services due to additional GP registrations and demands on primary care services;
- Increasing pressures on housing, increasing the demand and costs of housing, particularly

in the private rented sector and on social housing;

- Increasing demands on benefits and local unskilled jobs, particularly in the initial stages of resettlement and integration for new migrants and refugees.

As a whole, this lack of even distribution of migrants and refugees across Birmingham is also not helpful to trying to create cohesive and integrated communities in the city. What we are seeing are divides in the city between those areas which are accommodating new languages, cultures and people with those areas where there has been little to no change for several decades. This is reflected in city's schools, neighbourhoods and high streets.

Beyond the geographical issues within Birmingham are also the stories of missed opportunities and lost potential, where migrants and refugees arriving in the city for a better life, safety and security are ending up in crisis, destitution and long-term unemployment. This can be a difficult to exit with many people being stuck in a cycle of crisis and destitution for many years. There are several reasons for this:

- No Recourse to Public Funds – restricting applying asylum seekers and refused asylum seekers access to certain welfare benefits and social housing. A part of this problem is the lack of access people have to good quality immigration advice, which can advise them on their rights and options.
- English language skills – a lack of ability to read, write and converse in English makes it harder for people to engage effectively with

public services, access employment or to help with their children's education.

- Public services - a lack of knowledge and understanding about the advice, support and services available to help people means that opportunities for prevention and early intervention can be missed affecting people's longer-term health, domestic abuse and safety for instance.
- Advice and support – the same lack of knowledge and understanding about public services means that people miss opportunities to improve their housing, education, wellbeing and employment.
- Communities – being new to the city, migrants and refugees are unlikely to have a natural network of family, friends and acquaintances who can provide advice and support, especially during difficult times.

The aspiration of enabling the city to be a "City of Sanctuary" is therefore one about ensuring that asylum seekers, refugees and migrants are enabled to fulfil their potential and contribute positively to the city's culture, economy and social fabric. People arrive in Birmingham in search of a better life, to be able to live in safety and security with skills, assets and a determination which has often brought them thousands of miles to be in this city. The initial arrival and transition to living independently in Birmingham can be a risky and fragile one however, and one where hope and aspiration can easily be replaced by crisis and destitution. Evidence shows that where migrants and refugees can start their new lives in Birmingham and the UK well, they can go on to live healthy, happy and fulfilling lives and make a significant

contribution to the city's neighbourhoods, communities, culture and economy. Where Birmingham's stakeholders can get this approach right it will have a benefit for all of Birmingham's citizens, not just those arriving in or newly arrived.

Birmingham City Council's current activities, projects and initiatives which are working with and supporting asylum seekers, refugees and migrants

Birmingham City Council is already engaged in a range of activities, which are supporting the aims of being a City of Sanctuary. Much of this is working with and supporting voluntary and community sector organisations and groups, across the city. This is across the breadth and depth of its roles and responsibilities covering education, safeguarding, housing and homelessness, adult education, community safety, community cohesion, employment and skills, procurement, libraries, advice, as well as neighbourhoods and communities.

- **Asylum Dispersal support and accommodation** – we are working with G4S, the Home Office, West Midlands Police, NHS Clinical Commissioning Groups, as well as voluntary sector organisations to ensure that destitute asylum seekers are appropriately supported and accommodated in Birmingham. This includes advice and support, pre and post decisions, about their asylum claims to connect them to appropriate services, networks and communities. Our

role is also to support compliance with regulations and local processes concerning housing and safeguarding.

- **Birmingham Migration Forum** – we facilitate and chair a regular meeting and network of statutory, voluntary and community sector organisations and groups, which have a shared interest in migration and associated issues. The purpose of the Forum is to provide a shared space to share information, coordinate and influence activity across sectors and the city.
- **Birmingham City of Sanctuary** - we work with Birmingham's volunteer City of Sanctuary group, part of a national network sharing experience and ideas across the UK. The Birmingham group seeks to identify gaps in provision and encourages the diverse range of refugee and asylum support organisations in the city to work together. Raising awareness, positive stories of asylum and working with partners on national policy issues are also important. The focus so far has been on developing a vibrant Schools of Sanctuary network, mapping ESOL provision, and exploring the contribution of bodies such as libraries and universities to refugee support.
- **Cities Grow Project** – Birmingham is part of the CITIES GROW project, which is an European initiative to improve the implementation of migration policies by facilitating the integration of migrants and refugees, and encouraging cities to share their expertise and examples of best practice.

City to city support is provided through tailored mentoring schemes whereby 16 cities are paired together under key themes, facilitated by expert partner organisations. As part of this project, Birmingham is a mentor city to Lisbon, under the theme of matching buyers and suppliers – access to private and public contracts for immigrant entrepreneurs. This project will continue until 31 January 2019.

Community Cohesion Strategy – we are working with city partners, faith, voluntary and community organisations and communities across Birmingham to tackle the drivers that prevent individuals, families and communities from reaching their full potential, including discrimination, isolation, poverty, segregation, or ambition to improve life chances. Community cohesion is an ongoing process and not a time-limited project, which means we will continuously review the impact of our decisions and resources as well as our relationships with and across communities to build a welcoming, fair and cohesive city for everyone.

- **Counter Extremism** – we work closely with communities and statutory organisations to build resistance to all forms of extremism, whether politically, religiously or racially motivated, including challenging those illegal cultural practices that harm the people of the city. The Counter Extremism Coordinator works specifically with asylum seeker, refugee and migrant communities across four

themes – “building strength in diversity and social participation”; “targeted work with vulnerable communities and institutions”; “addressing extremist narrative”; “supporting activities”.

- **Cultural development** – we support a range of activities which enable local people to engage with and shape arts and culture on their doorsteps, empower future generations to develop their creativity and play an active part in the culture and heritage of the city, whilst supporting the growth and development of artists and companies working in this sector. We are also supporting an arts and culture programme for Syrian refugees included in the Syrian Vulnerable Persons Resettlement Scheme.
- **Employment and Skills programmes** – we are actively engaged in developing pathways for migrants and refugees with leave to stay and the right to work in the UK into a number of different programmes. This includes the “Youth Promise Plus”, “Progression Pathways for Adults” and “Skills for Growth”. We are also working with employers through the Birmingham Business Charter to improve awareness of and access to migrant communities.
- **ESOL** (English for Speakers of Other Languages) – we deliver an ESOL curriculum, which is designed to improve citizens’ English language and literacy skills to promote social cohesion, to develop learners’ independent living skills and

improve access to educational and work opportunities. Our “ESOL for Work” pre-employment programme combines English language tutoring with IT skills and the skills that people need to find and keep jobs. In 2017-18 we delivered ESOL classes to 1,486 learners at 12 centres across Birmingham.

- **Initial Accommodation Centres –** Birmingham is home to the region’s two sites (and two of eight nationally), which provide temporary accommodation for newly arrived destitute asylum seekers. This is for a period of up to 21 days before being re-housed in housing located across the region whilst asylum claims are reviewed. As part of this we have a role in ensuring that accommodation complies with regulations, support provided complies with safeguarding requirements and that children and young people are able to access education.
- **Libraries of Sanctuary –** we are currently working with Friends of Stirchley Library and King’s Heath Action for Refugees (KHAR) towards piloting Stirchley Library as a Library of Sanctuary, which will support recent migrants to become part of the local community.
- **MiFriendly Cities Project –** we are working with ten partners, including Coventry and Wolverhampton City Council’s to deliver a range of activities across employment, health and active citizenship which can create welcoming communities and integration opportunities for migrants and refugees new to Birmingham. The project aims to also

benefit the wider community through unlocking talents and skills from within refugee and migrant communities.

- **Modern Day Slavery –** we are one of six local authorities (alongside Leeds, Derby, Croydon, Redbridge and Nottingham) who have received funding to put in a place a Pathway for Survivors exiting the National Referral Mechanism. The Pathway will provide a range of wrap-around services for survivors based on a strength-based trauma model with built-in packages of support around emotional resilience, advocacy and human rights, housing, education, training and employment. The pilot is due to end June 2019, although there will be an option to extend this if required.
- **Prevent –** Birmingham is identified as a priority area for the Prevent programme. We oversee a multi-agency programme of activity linked to reducing individuals vulnerability to radicalisation and extremism. This includes oversight and coordination of the multi-agency Channel Panel, which provides support and interventions for vulnerable individuals, and providing training and awareness for communities and civil society organisations including safeguarding for asylum seekers and refugees fleeing conflict zones as well as awareness and support around hate crime.
- **Rogue Landlords Project –** migrants are especially likely to live in poor quality

accommodation due to a reliance on housing migrants in the private rented sector (PRS), and are often unwilling or unable to approach local authorities for help when there are problems with their housing situation. BCC’s Rogue Landlords Project, funded by MHCLG’s Controlling Migration Fund, works with partners and local communities across the city to improve the supply and quality of housing in the private rented sector (PRS) by tackling irresponsible ‘rogue’ landlords, informing tenants of their rights and responsibilities and supporting individuals in high risk circumstances. This helps to improve health and social care outcomes for migrants, as well as reducing pressure on key services such as adult social care, homelessness services, and advice services.

- **Safeguarding Adults Board –** BSAB is committed to listening to the voice of the citizens of Birmingham, ensuring that, wherever possible, safeguarding responsibilities are delivered in a way that empowers our communities and individual citizens. Our ultimate aim is to build a city free from harm and neglect, where our most vulnerable citizens, including migrants, are safe. Moving forward, our focus is on developing effective preventative and early interventions strategies that minimise the risk of abuse and neglect by establishing safer communities for people with care and support needs. This includes areas that specifically affect migrants such as unregulated housing and the impact of social isolation.

- **Syrian Vulnerable Persons Resettlement Scheme** – we are committed to receiving, resettling and supporting the integration of 550 Syrian refugees from 2015 until 2024. This includes receiving refugees until 2020 and providing range of support and opportunities to refugees and communities across housing, welfare, education, arts, culture, health, active citizenship and communities over a five year period for each refugee.
- **Third Sector Immigration Advice Strategy** – we have worked with the Destitution Steering Group to develop a third sector immigration advice and strategy which can to provide a clear consistent pathway to support all people subject to immigration control. We are continuing to work with voluntary sector partners to implement the strategy including submitting a joint bid to the Controlling Migration Fund to assist its delivery.
- **Unaccompanied Asylum Seeker Children** – Birmingham Children's Trust has a dedicated Unaccompanied Asylum Seeking Children social work team. This offers a statutory response to safeguard and promote the welfare of children who arrive in Birmingham to seek asylum, and who are not accompanied by an adult responsible for their care. The team has also accommodated children who have come to the UK under the Vulnerable Children's Resettlement Scheme, via the Dubs Amendment, under Dublin III family reunion, and via the National Transfer Scheme for Unaccompanied Asylum Seeking Children. Representatives for the service

attend the UASC Professional Working Group with the Strategic Migration Partnership, and the team works in partnership with other statutory and voluntary organisations in the city.

- **USE-IT! Project** - the USE-IT! project unlocks potential in disadvantaged communities in west Birmingham by linking major capital developments to social and economic assets in the surrounding community. It also links the ideas and talents of local people with the needs of urban development projects, identifying qualification needs and matching job skills to demand, as well as supports social enterprise and community-rooted entrepreneurs, enabling people to develop their enterprise skills and trade their way out of poverty and social exclusion. So far the project has recruited over 150 migrants and refugees with overseas medical qualifications who are now on a pathway to employment with the NHS, as well as building a network of over 120 social entrepreneurs.
- **West Midlands Strategic Migration Partnership** – we host the partnership team on behalf of the region's Local Authorities. In addition we are an active member of the partnership board, as well as several regional working groups covering Syrian Vulnerable Persons Resettlement Scheme, Asylum Dispersal, No Recourse to Public Funds, Unaccompanied Asylum Seeker Children and Migrant Health Network, for instance.

Birmingham City Council's aims and commitments to asylum seekers, refugees and migrants

Birmingham City Council's vision is for Birmingham to be a city of growth where every child, citizen and place matters. This vision needs to apply equally to everyone residing, working or arriving in Birmingham, including asylum seekers, refugees and migrants.

In delivering this vision, the Council is also committed to the achieving the following outcomes with and for all of its citizens and stakeholders - including asylum seekers, refugees and migrants:

- Birmingham is an entrepreneurial city to learn, work and invest in;
- Birmingham is an aspirational city to grow up in;
- Birmingham is a fulfilling city to age well in;
- Birmingham is a great city to live in;
- Birmingham residents gain the maximum benefit from hosting the Commonwealth Games

This statement does not seek to provide preferential treatment to new arrivals to the city over existing residents and citizens in Birmingham. Instead it recognises that during an arrival, settlement and integration period asylum seekers, refugees and migrants face many disadvantages compared to people already living in and working in the city. It also recognises that where resettlement and integration can be successfully achieved then everyone living in and working in the city can benefit through a stronger

economy and stronger communities. Likewise, where this isn't successful then this can create additional pressures on public services and communities.

The unique challenges and opportunities presented to Birmingham and the Council by asylum seekers, refugees and migrants need to be reflected in some specific aims to be able to achieve the Council's vision and outcomes for the city:

- Prevent crisis and destitution amongst new arrivals to Birmingham, including asylum seekers, refugees and migrants. In doing so prevent new demands on public services such as housing and social care, from emerging;
- Enable refugees and migrants to be able to actively and meaningfully participate in the city's economy through employment or enterprise;
- Enable all new arrivals to connect to and participate in social and community networks, particularly in the neighbourhoods in which they live;
- Enable refugees and migrants to participate in their neighbourhoods as active citizens.

In delivering the vision and outcomes for Birmingham, as well as these more specific aims Birmingham City Council's commitments to asylum seekers, refugees and migrants, as well as migration as a whole are:

1. We will work with partners in Birmingham, particularly the voluntary and community sectors, to raise the awareness of and public

interest in issues relating to migration, asylum seekers, refugees, migrants and new communities. This includes supporting activities such as Refugee Week, as well as raising the awareness of Council officers and Members through briefings and training.

2. We will work towards ensuring that migrants and refugees who are legally entitled to be in the UK and Birmingham have access to the same support and opportunities to participate in mainstream society and the economy as citizens already residing in Birmingham. This includes ensuring that migrants and refugees are knowledgeable about their rights and confident about accessing public services, particularly concerning:
 - Community safety, including domestic abuse, modern day slavery and hate crime
 - Education and schooling
 - Employment, welfare and benefits
 - ESOL
 - Health
 - Private rented sector housing
3. We will ensure that the needs, skills and assets of asylum seekers, refugees and migrants are reflected and included in mainstream Council policies and strategies concerning:
 - Adult Education (including ESOL)
 - Advice and information
 - Children's Services
 - Cohesion
 - Commonwealth Games
 - Community centres and libraries

- Community safety, including domestic abuse, modern day slavery and hate crime
 - Counter Extremism
 - Education
 - Employment and Enterprise
 - Homelessness and Housing Options
 - Housing Management
 - Prevent
 - Private Rented Sector Housing
 - Procurement and social value
 - Public Health
 - Safeguarding
4. We will work with health partners to enable and ensure access for asylum seekers, refugees and migrants to health services. This is particularly concerning primary care services, advice and support to prevent the development of more acute, long term health conditions.
 5. We will work with employment and enterprise partners to develop shared priorities, plans and pathways to enable migrants and refugees to be able to access meaningful, long-term employment opportunities and careers. This is recognising the professional skills, personal attributes and other assets which many migrants and refugees bring to Birmingham and the region and which might be particularly applied to areas such as health and the NHS, teaching and education for instance.
 6. We will continue to host and facilitate the Birmingham Migration Forum, as well as

other relevant partnerships in order to bring stakeholders together across the statutory, voluntary and community sectors. This is in order to facilitate cross-sector communication, cooperation, collaboration and partnerships which can support the aims of this policy statement.

7. We will work with stakeholders to ensure they have a voice and are able to critique and provide ideas and solutions, which can continuously improve and develop the systems and services in place to work with and support asylum seekers, refugees and migrants.
8. We will be open and transparent in our plans and approaches for delivering and supporting resettlement schemes for refugees and asylum seekers, as well as the asylum dispersal process which operates in Birmingham. This includes being open and transparent with our citizens, as well as involving stakeholders in influencing and shaping plans and delivery for the Council's pledges to:
 - Resettle 550 Syrian refugees via the Syrian Vulnerable Persons Resettlement Scheme (SVPRS);
 - Support the accommodation of destitute asylum seekers, under s.95 and s.4 of the Immigration Act via the Home Office "Compass Contract";
 - Resettle Unaccompanied Asylum Children (UASC) via the National Transfer Scheme;

- Accommodate children arriving in Birmingham and included in the Vulnerable Children's Resettlement Scheme;
- EU Settlement Scheme, as part of the UK's plans to leave the EU.

9. We will recognise the important role the voluntary and community sectors play in the city and work with them and statutory partners to develop the amount of resource and funding available in the city, which can:
 - Prevent crisis and destitution
 - Provide accessible informal and formal opportunities for ESOL learning
 - Enable meaningful employment and participation in the city's economy
 - Enable engagement and connections to social and community networks
 - Enable active citizenship in the city and its neighbourhoods
10. We will work with other Local Authorities in the region via the West Midlands Strategic Migration Partnership and West Midlands Combined Authority, as well as other Cities of Sanctuary to develop common and consistent approaches to working with and supporting asylum seekers, refugees and migrants. This includes developing shared objectives and priorities which recognise both the challenges presented by migration to the region, as well as the skills and assets. Areas which are particularly relevant are mental health, employment, skills and enterprise, as well as regional policies towards the resettlement of asylum seekers and refugees. It also

includes actively contributing to regional working groups covering:

- Syrian Vulnerable Persons Resettlement Scheme;
- Asylum Dispersal;
- No Recourse to Public Funds (NRPF);
- Unaccompanied Asylum Seeker Children (UASC);
- Migrant Health Network.

11. We will work with partners to identify national policy issues, where we can make collective representations to government to encourage and enable change. This is particularly where there are barriers and challenges being created which might impact on:
 - Cohesion and communities
 - Crisis and destitution
 - Education and employment
 - ESOL
 - Health and wellbeing
 - Immigration status (of children, young people and adults)
12. We will review the delivery of these commitments on an annual basis, reporting progress through the appropriate Council Scrutiny Committee and to the city's stakeholders as appropriate. This will be supported through the identification of named leads across each political portfolio, directorate and service area.

CITY COUNCIL

15 January 2019

REPORT OF THE DEPUTY LEADER

BREXIT

1. Purpose of Report

- 1.1 This report provides an update on the progress of the work undertaken by the Brexit Commission.
- 1.2 The City Council commissioned a report to analyse the potential impact of Brexit on the West Midlands economy. The executive summary highlights eleven key areas of concern to the Council.
- 1.3 This report sets out the next steps of the Brexit Commission and, in particular, its plans for further resilience and contingency planning.

2. Background

2.1 Establishment of Brexit Commission:

- 2.1.1 Since the Brexit referendum in June 2016 the City Council has taken local leadership in developing an initial 'Brexit Advisory Group' bringing together key stakeholders from across the city and subsequently a 'Brexit Commission', chaired by the Deputy Leader, bringing together a higher level and broader geographical spread of stakeholders to include the Metropolitan Local Authorities of the West Midlands Combined Authority (WMCA), the three West Midlands Local Enterprise Partnerships, University of Birmingham, Aston University, Birmingham City University, Centre for Brexit Studies and Chambers of Commerce.
- 2.1.2 The aim of the Brexit Commission is to provide strategic oversight for Brexit matters and engage with the key partners to collate research and analysis on the potential Brexit implications for the West Midlands and agree on how best to respond to risks, threats and opportunities presented in this analysis.
- 2.1.3 The Brexit Commission aims to identify the potential economic and social impacts of Brexit on the region. It will look at a range of issues including trade, business, employment, funding and public service to help ensure the city is best prepared and best positioned to respond to any negative social and economic impacts.
- 2.1.4 Through a competitive process, the West Midlands Economic Forum was selected by the City Council and commissioned to undertake desk

research and develop a report which brings together a range of existing academic and governmental analysis already undertaken and present the collective findings in a West Midlands context. The West Midlands Economic Forum (WMEF) is a neutral independent forum designed to bring together representatives of the public, private and voluntary sectors to evaluate economic trends in the local economy.

- 2.1.5 The final report was approved by the members of the Brexit Commission at its meeting on 12 November 2018. The summary of this is attached at Appendix1.

3. The Brexit Context: State of Play

- 3.1 Appendix 2 provides a summary of the Brexit process. The UK and the EU have been engaged in a process of negotiation since March 2017, with the intention of agreeing the terms of the UK's withdrawal and a "Future Framework" which will outline the terms of the future relationship. It has been agreed that a transition period will last from March 2019 to the end of 2020 and that the details of the future relationship will not be negotiated until that period.
- 3.2 Whilst clarity and certainty are lacking, it is an inescapable fact that Brexit will have economic implications. After decades of aligning and intertwining our laws, the UK will become a "third country" in EU terms and the complex set of regulations, laws, agencies and procedures that govern our trade and other relationships with the 27 EU member states will be altered. The scale of the impact will obviously be determined by the nature and structure of any final agreement reached.
- 3.3 The Government has brought forward several Bills during 2017 and 2018 to facilitate the Brexit process: Bills on EU withdrawal, sanctions, road haulage, nuclear safeguards and customs have been passed and the Trade Bill is on course for ratification before 29 March 2019. However, there is less certainty that Bills on Agriculture, Fisheries and Citizens' Rights will be passed by the withdrawal date. The Government also needs to amend a wide range of secondary legislation, depending on the nature of the Withdrawal Agreement and whether there is a "no deal" Brexit. Much of this legislative change needs to be supported by practical arrangements, some of which will need to be put in place very quickly in the event of "no deal". Parliament will vote on the final deal on 11 December 2018.
- 3.4 On 14 November 2018 the Prime Minister announced that a 'Technical Deal' and joint Political Statement had been agreed with the EU. This will be subject to further internal scrutiny and debate in the UK before being presented to parliament for ratification. This will also require the ratification of the European Parliament and European Council.

- 3.5 At the time of writing this report, it was understood that a ‘meaningful vote’ on the withdrawal deal would take place in Parliament in January 2019. Some details in this report may be superseded by events that have followed.

4. Planning for a ‘No Deal Brexit

- 4.1 Withdrawal from the European Union is governed by Article 50 of the Lisbon Treaty. Under the Article, the date for the UK to leave the EU is two years from the date on which those provisions were activated – 29 March 2019. This date has also been written into UK law by the European Union (Withdrawal) Act 2018. However, notwithstanding the announcement of the ‘Technical Deal’, if the negotiations for a Withdrawal Agreement do not reach a conclusion by the beginning of 2019 then the UK will leave the EU with “No Deal”. This means that there will be no treaty agreement on the terms of Brexit and how existing regulatory and trading arrangements will operate after that date. See Appendix 2 for a summary of the Brexit process.
- 4.2 The Government has published a number of “Technical Notices” which set out the implications of a ‘No Deal’ scenario for a wide range of issues, from travel to trading standards, customs, environmental regulation and security. Council officers alongside colleagues in the Brexit Commission have begun assessing the Technical Notices and summarising the importance of the issues they cover to the Local Authority and the West Midlands economy. A ‘No Deal’ scenario analysis for the West Midlands is attached at Appendix 3.
- 4.3 The Brexit Commission has applied a Red, Amber, Green (RAG) rating to the issues and provide an assessment of priority, based on the significance of the issue and the ease with which mitigation can be achieved by March 2019.
- 4.4 An early review of the Technical Notices has already identified some areas for further analysis. These include:
- EU Funding;
 - Trading Standards – including health and environmental concerns;
 - Regulatory and legal issues – procurement, state aid, contracts etc;
 - Workforce issues where there is significant employment of non-UK EU nationals;
 - Resilience and security issues – including EU police and security co-operation;
 - The wider economy and business – trade, travel and regulation;

- Cascading government information and communications within the region.

4.5 Steps have been taken to ascertain a detailed understanding of these issues and ensure that contingency plans are put in place for local authority functions and that businesses and citizens are provided with the information they need to respond. The Chambers of Commerce and the Local Enterprise Partnerships are also providing support to businesses, along with regional offices of the Confederation of British Industry and the Institute of Directors.

4.6 The Impact of Brexit on Birmingham and the West Midlands

4.6.1 As stated above, the West Midlands Economic Forum (WMEF) were commissioned to independently undertake desk research and develop a report which brings together existing research and analysis and present the collective findings in a West Midlands context. The summary report is presented as Appendix 1. A full version of the report is available via the supplied [link](#).

4.6.2 This piece of work has been developed through an independent lens and is intended to present research and analysis prepared by key academic and government specialists rather than provide opinion or political commentary.

4.6.3 The initial scope of the report sought to examine potential impact and consequences against the issues linked to trade, business, employment and skills and funding. The findings of the report do however identify wider reaching implications.

4.6.4 In summary the report's key findings identified the following areas of concern:

- **Trade**

The impact of the future relationship with the EU, notably customs arrangements, tariffs, regulation, freight and borders on the regional economy. Particularly in key sectors important to the region such as Advanced Manufacturing.

- **Infrastructure & Investment**

The impact of Brexit on continued investment into transport infrastructure, broadband, housing and business investment, given the need to sustain international competitiveness;

- **Key Employment Sectors**

Key sectors which are particularly vulnerable to Brexit, including: automotive plus those in the wider supply chain; health and social care

with 1 in 10 social care nurses being non-UK EU nationals; the broader impact of a general economic downturn/compression in growth;

- **Productivity and Skills**

The recruitment and retention of skills, especially maintaining access to technical, proficient labour, such as currently provided by EU nationals and addressing skills shortages;

- **Just in Time Impacts**

Challenges to businesses relying on rapid transport of goods across the EU. There are also implications in sectors such as energy and on a range of current supply chains due to the impact of longer lead times, for example in the manufacturing sector;

- **Fiscal, Financial & Economic**

The overall impact of a range of Brexit outcomes on economic growth over time, possibly leading to an increase in pressure on Local Authority services. The impact of volatile interest rates and markets and the associated impact on servicing debts;

- **Business Adaptability**

The preparedness of business to deal with the Brexit outcome (especially Small/Medium Enterprises which make up 95% of enterprises in the WMCA) notably the need to increase awareness of the new conditions of trading with Europe, potentially under WTO auspices;

- **EU Funding**

Birmingham alone has benefitted from over £1billion in EU funding in the last 30 years and the inability to access such a resource in the future will have an impact on key priorities for local government such as jobs and skills and inclusive growth. The Government has made commitments to the completion of the current round of spending and to existing funded projects and programmes. Beyond 2020, the proposed new UK Shared Prosperity Fund will be critical in filling this funding gap;

- **Security**

The need to increase awareness of adherence to international treaty obligations and trading regime requirements to ensure compliance. Further local implications associated with public demonstrations and potential disorder or unrest which may arise from any significant downturn in the local economy or negative impact on local industry will need to be considered;

- Data Sharing

The impact of Brexit on current collaborative arrangements between EU and regional institutions and their ability to share information through existing Knowledge Transfer and Data Sharing Platforms. This may have implications for issues such as counter-terrorism, but also industries such as medicines and healthcare;

- Local Authority Impact

In addition to those areas identified above, there are a number of specific issues that will be of direct relevance to the Council and will require further analysis and contingency planning. This includes areas such as procurement, state aid, trading standards, legislation/regulation, environmental health, resilience and emergency planning, and workforce implications in key services such as adult social care.

4.6.5 Internally officers across the Council will continue to progress work in these areas and develop short and medium term plans to prepare the Council for mitigation of risks and exposure. Officers will also work with other West Midlands Authorities to develop regional plans where appropriate.

4.6.6 As presented earlier in the report, the Brexit Commission will work with the WMCA and other partners to examine these findings, alongside the Technical Notices and 'No Deal' analysis to assess potential consequences (including internal consequences for the Council), assess current resilience and preparedness to respond and identify initial and urgent risks and the further actions to take, particularly with regards to mitigation.

5. Next Steps

5.1 There will be further work of the Brexit Commission, particularly around resilience and contingency planning for a 'No Deal' Brexit. Thematic workstreams have been established and internal officers identified and confirmed to contribute to these.

5.2 Further analysis will be developed in the first quarter of 2019, acknowledging that the fluid nature of the Brexit position will dictate the timing of this.

Motion

That the City Council: note the contents of the report.

Appendices

Appendix 1 – Summary of the Impact of Brexit on Birmingham and the West Midlands

Appendix 2 – Summary of the Brexit process

Appendix 3 – ‘No Deal’ scenario analysis for the West Midlands

SUMMARY

INITIAL ANALYSIS

The Impact of Brexit on Birmingham and the West Midlands

The Mutual Understanding

Britain and the EU, on November 14th, published both the Draft Agreement on the withdrawal from the EU and Euratom, termed the Mutual Understanding, as well as secondly the Outline Political Declaration on the Future Relationship.

The Mutual Understanding details the legal and procedural complexities of Britain's withdrawal and is currently expected to be ratified by the European Council of Ministers on Sunday, November 25th, and then subsequently by the British Parliament and the European Parliament. The Mutual Understanding forms the conclusion of the negotiating process, and, following legal verification and ratification, will become the legally enforceable Withdrawal Agreement. Should ratification fail at any stage, then currently Britain would still leave the EU on March 29th, 2019 but without any agreement in place. In summary, the Mutual Understanding encompasses the following aspects of the withdrawal process:

- the objective of the overall process is to secure an orderly withdrawal;
- Britain will cease to be a member of Euratom;
- reciprocal protection of EU citizens and British nationals, who have exercised free movement before a date to be set by the agreement;
- prevent disruption and provide legal certainty;
- determine the parameters and length of a transition or implementation period;
- EU law will be applicable to Britain during the transition, although Britain can prepare for new international arrangements post-transition during the transition phase;
- the EU and Britain agree to honour the mutual financial commitments;
- establish a joint dispute resolution process given Britain's third country status;
- establish separate protocols to address the Republic of Ireland/Northern Ireland, Cyprus Sovereign Base Areas and Gibraltar issues during transition;
- agreement founded on overall balance of benefits, rights and obligations for Britain and EU.

Political Declaration

During the transition period the EU and Britain will commence formal negotiations to conclude the framework for the future relationship outlined in the Political Declaration. These will focus on:

- shared values and approach to rights and data protection;
- a close relationship on services and investment, including on financial services;
- wide-ranging sectoral cooperation, for instance on transport and energy;
- requirements for open and fair competition to underpin the future economic relationship;
- broad and deep partnership on foreign policy, security and defence;
- comprehensive arrangements toward creating a free trade area, combining deep regulatory and customs cooperation, building on the Withdrawal Agreement single customs territory;
- on internal security, the need for comprehensive law enforcement and judicial cooperation in criminal matters, identifying ways of delivering strong and important operational capabilities.
- the process that will follow the conclusion of the Article 50 negotiations.

1. Foreword

The nature of Britain's exit from the European Union, and our nation's future relationship with it, will define our country for decades to come. At the time of writing, four months out from the UK's exit date, the EU and the UK parliament have yet to finalise what this might be, and it remains possible that the UK will leave without a deal. This report aims to identify the potential economic and social impacts of different aspects of Brexit on the West Midlands region, to allow businesses and public sector bodies to plan and shape their responses. It draws on a wealth of academic research and analysis from the Government, Core Cities and Local Government Association to look at potential local impact on trade and business, jobs, funding and infrastructure and public services.

This analysis was commissioned by Birmingham City Council's Brexit Commission, which draws on representation from a cross sectoral group of stakeholders. These include a range of public sector, academic and business stakeholder from across the West Midlands Combined Authority Area.

To bring about continued global investment, inclusive growth and prosperity for the West Midlands, we must address serious challenges to the region, including access to funding, skills and talent, knowledge and innovation, and maintaining competitive business and trading conditions. With the UK government having one of the highest concentrations of centralised revenue streams globally, we must now be handed the reins by government to drive forward the future economy through increased and accelerated devolution. The West Midlands has a bigger population than nine member states including Finland, Slovakia and Ireland. The economic output of West Midlands is bigger than 13 member states including the Czech Republic, Hungary and Romania. The significance of our presence, and the importance of Brexit working for this region is clear.

Local government has been subject to almost a decade of austerity and funding cuts, and is limited in financial resource to mitigate any negative impacts of Brexit. Poverty in this country has reached such levels as to be investigated by the UN. This context must be understood when preparing for Brexit, and any Brexit conditions that might exacerbate this must be met with devolved funding from national government to address this.

Brexit will signal a change in our relationships and interactions at a regional, national and international level, and it is vital that we maintain an outward vision and readiness to co-operate with our neighbours. Birmingham is a city built on migration and immigration. Knowledge exchange and progress go hand in hand. Leaders across the West Midlands are clear that our leaving the EU does not correlate to a withdrawal from open collaboration with cities and regions across Europe or the rest of the world. The West Midlands has been at the forefront of change and innovation throughout successive industrial revolutions. The major cities in this region have been strongholds of technological and manufacturing development for the whole of the UK. The West Midlands is still highly recognised both nationally and globally as a region open to new ideas, new working practices and bringing significant investment into the UK economy. We have a strong track record of bringing in major investment from European and other global partners which has brought prosperity, growth and employment to the region and UK as a whole.

As the future remains uncertain, the breadth of this report should help highlight and plan as we go forward.



Cllr Brigid Jones
Deputy Leader for
Birmingham City Council

A handwritten signature in black ink, appearing to read 'B Jones', with a horizontal line underneath.

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3. Overall Context

Notwithstanding the announcement of a Mutual Understanding arrived at between the British government and the EU negotiators, this is only the start of the final process of Britain withdrawing from the European Union. There remain significant hurdles to surmount, including achieving Cabinet unanimity on the understanding; securing House of Commons approval; ratification by the remaining EU 27 members states as well as ratification by the European Parliament. Moreover, the scope and detail of the understanding has yet to be made public. It is not beyond the bounds of possibility that either the Prime Minister may resign or the government fall.

Accordingly, until a final agreement is achieved the range of final outcomes remains as detailed in this report.

People need information not opinion – if the Referendum demonstrated anything it was that the electorate is quite capable of forming their own opinions based on their life experience and their confidence in the analysis publicly available to them. There are many interpretations as to why the 2016 Referendum resulted in a narrow majority vote to leave the EU, there is however an inescapable fact that this essentially political act is having, and will have, economic implications. Britain, already regarded as a semi-detached EU member, will have to become accustomed to becoming a detached third-party economy. The scale of the impact will obviously be determined by the nature and structure of any final agreement reached, or, in the event of a reversal of the decision to leave, the parameters of any re-entry process (via cancellation of Article 50 or a new application via Article 49 of the Treaty of Lisbon).

Although the parameters of the agreement remain subject to further intense negotiating, the options would appear to be narrowing along the following lines:

- a settled agreement, such as temporary reversion to European Economic Area status;
- an as yet undefined transition programme;
- adoption of a WTO-based trading regime;
- without an actual deal, and with no recourse to other trading regimes;
- unanimous agreement to an extension of the Article 50 process, pending a Second Referendum of the decision to leave;
- UK application to re-join EU via Article 49, after March 29th exit.

A settled agreement would obviously be the optimum solution as effectively it would appear to ensure arrangements would continue as present and it could also generate a revival of investment, both domestic and inward. In the time now available before the exit date of March 29th, it would appear difficult to deploy the necessary physical infrastructure as well as agree the required tariff quota regimes to enable WTO status to be immediately achieved. Leaving without an actual deal and being unable to transition to full WTO rules (due to time pressures and the need to resolve current objections from some 20 WTO members over the proposed UK-EU trading schedules) is the worst option, and it is unclear what the impact would actually be, although potentially seriously disruptive.

Additionally, there remains the possibility that the proposed Mutual Understanding between Britain and the EU will fail to progress at any one of the three stages of ratification (EU Council of Ministers, UK Parliament and EU Parliament). Such an impasse in the negotiating process could lead the British Parliament to decide to hold a second

referendum. A more long-term option, if Brexit proves to be more economically debilitating than anticipated, could be an application to join the EU via Article 49, after March 29th exit.

Any change to the deep and extensive relationship between Britain and the EU will inevitably provide new opportunities as well as precipitate fresh barriers, some of which can be identified, others unexpected and will only emerge later. The challenge to Birmingham, and the wider region, is to identify these and develop appropriate responses to both capitalise on any advantages and minimise the negative impacts.

Nevertheless, until the final settlement(s) are agreed and ratified, it is difficult to calculate with any confidence the impact of leaving the EU on the local and regional economies. However, considerable research has been undertaken examining the potential range of overall economic impacts, and in terms of sectoral impacts it is possible to identify which sectors are most exposed to more constrained access to the markets of the EU. Furthermore, until the precise nature of any WTO trading arrangements are confirmed, it is similarly problematic to calculate the economic prospects resulting from them.

It is noticeable that the currently available estimates, leaked from HM Treasury, for the worst-case scenario are substantially less than the estimated cumulative impact of the 2007-09 financial crisis, which has been calculated as equivalent to a loss of a fifth of GDP. HM Treasury had forecast that by 2023, UK GDP would be approximately 25% higher than 2008, whereas the economy would only be 17.3% larger by 2023 under a WTO scenario.

Subsequently, BoE governor Mark Carney has warned that the UK crashing out of the EU could lead to house prices falling by 25-35% and net emigration from the UK for the first time since 1994, as well as travel disruptions between the UK and the EU leading to a contraction in supply and increased inflation.

WMEF: West Midlands Estimated Real Impact

	2016	2017e	2018e	2019f	2020f	2021f	2022f	2023f
WM GVA Growth (1)	1.8	1.9	1.9	2.0	1.8	1.5	1.3	1.2
WM GVA Growth (2)	1.8	1.9	1.9	0.7	0.9	1.4	1.5	1.5
WM GVA Growth (3)	1.8	1.9	1.9	0.5	0.7	1.2	1.5	1.8
WM GVA Growth (4)	1.8	1.9	1.9	-0.3	-0.1	0.3	0.7	1.0

Deflated using estimated national deflator

Source: ONS, IMF, OECD & WMEF

Nevertheless, on the basis of available evidence it has been possible to make some tentative forecasts. It should be noted that the data for the West Midlands are nominal, but the figures above have been deflated using an estimated national deflator. If there is a transitional arrangement (1), then it is anticipated that the current growth trajectory will be preserved until 2020. If, however, the current negotiation path still seems intractable by 2021, it is envisaged some deterioration in medium term performance will take place, and a rise in inflation, most likely due to currency pressures. An Ad Hoc interim outturn (2) where trading terms are forced by physical events, rather than negotiations, could cause serious disruption in the second and third quarters of 2019. This would most likely include substantial inflationary pressures, with some recovery in growth, but below trend, in 2020. Going forward after 2021, after some expected economic and policy adjustment, growth is forecast to be still below previously anticipated growth prospects, with inflation remaining elevated. Reversion to WTO trading status (3), is likely to have a large impact, not only on contemporaneous economic activity, but also future investment flows and

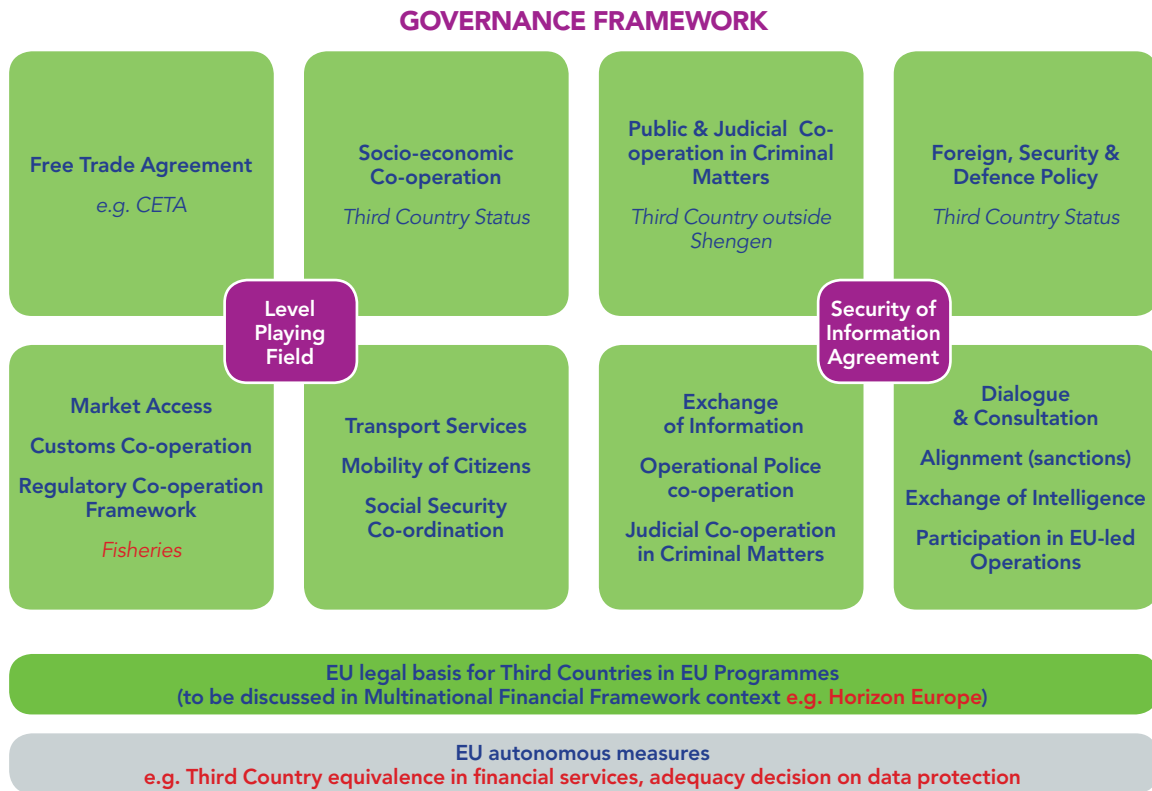
levels of job creation, and a consequent sharp uptick in inflation as Moody's warn that a lower pound would lead to higher inflation and a squeeze on real wages. Optimistically, it would take 2-3 years for the economy to adjust to a WTO context, but again with slightly weaker growth than could currently be achieved and inflation remaining above previous trends.

Given the timeframes currently involved in the Brexit process, this could create difficulties in having the infrastructure required for WTO trading regime in place by March 2019. Moreover, some 20 countries, including USA, China, Australia and New Zealand, have rejected the initial schedules proposed by the UK and the EU meaning that the UK's accession to the WTO will likely involve a lengthy negotiation process. In this context, it seems increasingly unlikely that the UK will be able to adopt WTO status in time for March 2019. This could lead to a fourth potential outcome, a unilateral trading position (4) where the UK leaves the EU and has no other trading regime to fall back on. This would obviously be a significant negative shock to the economy, with the possibility of a recession in 2019 as well as high inflation from currency pressures. The economy would take a significant amount of time to recover from this shock, as the UK would need to determine its status in the short term, in order to allow trade to continue, as well as negotiate its membership of the WTO in the longer term.

These forecasts are based with the significant caveat that the British government does not pursue accommodative policies and local government is constrained in its ability to facilitate a positive response.

The parameters of the final trade settlement between the EU and Britain will obviously have an impact on Birmingham and the wider region, both in terms of domestic funding and policies as well as how the region sustains economic ties internationally and with the EU. Furthermore, how Central Government proposes to develop economic and trading ties with Non-EU economies will impact on future growth prospects for the region. Undoubtedly, more constrained access to the region's single largest export market will compress these growth prospects; however, whether this leads to an actual contraction of performance will be heavily dependent on what policy responses can be and are adopted locally. An increase in demand for local authority services, coupled with the loss of a significant source of funding could lead to considerable pressure being placed on local government. Most immediately, these trade negotiations are obviously a discussion within which Birmingham and the region needs to articulate its aspirations.

EU-Britain Possible Framework for Future Partnership Discussions



Source: EU & WMEF

If indeed Withdrawal phase of negotiations do conclude amicably and an orderly Brexit is achieved, the European Commission has already mapped out a proposed framework for Future Partnership Discussions and this effectively provides a roadmap for future local government interventions to influence the expected further negotiations.

4. The Brexit Context

The EU reaction to the June 2016 British Referendum result has remained consistent since the immediate hours after the result was declared through to the content of the November 2018 Mutual Understanding document. This EU negotiating stance had been best summed up by President Macron, quoted in the FT, as “Brexit shows us one thing: it’s not easy to leave the EU, it is not without cost, it is not without consequence”. Some of the key consequences apparent from the negotiating process is that, for the European Commission at least, that leaving the EU means leaving its constituent institutional frameworks, most notably leaving both the Single Market and the Customs Union. However, such a rupture could be offset by the more qualified membership of the EEA or EFTA. Above all, collectively the EU-27 are concerned that if there are no adverse consequences from leaving the bloc, then its longer-term viability will be seriously jeopardised.

In contrast, the British position would appear to be a member currently enjoying a range of opt-outs, such as from the Euro, Schengen and the Charter of Fundamental Rights, wanting to become a non-member but with a series of significant opt-ins, namely preferential access to the Single Market, the Customs Union and the Erasmus Programme.

Despite the seeming incompatibility of these positions, progress has reportedly been made on a number of issues since Article 50 was triggered with the publication of the draft Withdrawal Agreement, the so-called Mutual Understanding published in November 2018. Although, under the original formal negotiating schedule agreed once Article 50 was triggered, the timeline for concluding the negotiations has expired in October 2018, now the period between November 2018 and March 2019 will be used to secure respective member ratifications, thereby enabling an orderly Brexit. Nevertheless, at this extremely late stage, less than five months before Britain is actually scheduled to leave on March 29th, it still remains unclear what the final form of this exit will take. EU-27 members are continuing to prepare the ground to introduce emergency measures to accommodate the severe disruption anticipated should no final agreement be reached.

At this stage there remain a number of probable outcomes for what form the Future Relationship could take, after the 29th March 2019 exit, based on the parameters established under the Mutual Understanding agreement:

- a settled agreement, such as temporary reversion to European Economic Area status;
- an as yet undefined transition programme;
- adoption of a WTO-based trading regime;
- without an actual deal, and with no recourse to other trading regimes;
- unanimous agreement to an extension of the Article 50 process, pending a Second Referendum of the decision to leave;
- UK application to re-join EU via Article 49, after March 29th exit.

In consideration of the most appropriate of these options, a number of factors have had to be considered, requiring concessions from both sides.

Firstly, membership of the Single Market is based on acceptance of the so-called “Four Freedoms”, namely freedom of movement for capital, goods, services and labour. These are defined in the Treaty of Lisbon, which superseded the founding Treaty of Rome, a key difference between them, is that the former details the free movement of labour, whereas the latter talked of the free movement of people. Although various EU members adopt distinctive and more restrictive labour market policies, the EU insistence that Britain, which

currently operates one of the most open labour market policies, fully accepts the free movement of labour is critical if it is to have unfettered access to the Single Market. The attitude of the British government seems to suggest that immigration is assumed to have been a key factor precipitating the vote to leave.

A European Parliament study 'Future relations between the UK and the EU: options after Brexit' finds that there are only two possible outcomes for the future trading environment which preserve the integrity of the Single Market. These are continued membership of the Single Market through the EEA or another similar organisation, or a customs union/FTA which abandons the continued integration of the UK and EU markets.

Secondly, a major stumbling block is the status of the United Kingdom-Republic of Ireland border. The 1998 Good Friday Agreement, which brought a seemingly fragile form of resolution to the long-running "Troubles" in Northern Ireland, was achieved in part because of the respective memberships by the Republic of Ireland and the United Kingdom of the Single Market, established in 1993. Although the current border takes a number of forms (legal, economic, veterinary and fiscal), membership of the Single Market ensures that a physical customs border, with all the associated paraphernalia, is not required. Britain and Ireland remain close culturally, with the number of British citizens claiming Irish passports since the Brexit referendum reportedly up 50%, and many Irish citizens and their descendants living in the West Midlands.

It is feared that physical customs checkpoints threaten to unravel the Good Friday Agreement and undermine current social stability. The range of options being considered for the trilateral (the United Kingdom, Republic of Ireland and EU) treatment of the province of Northern Ireland would appear to dilute the principle of territorial inviolability upon which the EU is founded due to the "backstop" idea, where Northern Ireland would effectively remain part of the Customs Union and the Single Market if no alternative solution could be found to avoid a hard border between Northern Ireland and the Republic. This proposal would seem to be difficult for any sovereign state to countenance, let alone the UK given its historic baggage accumulated as a result of its creation.

The exit of the EU would necessarily seem to involve the repatriation of a range of powers and responsibilities that were accumulated by the EU, and its predecessors: the European Economic Community, the European Coal and Steel Community and EURATOM, over the past forty-plus years of Britain's membership. Indeed, membership of the EU was the context within which the devolution settlement was arrived at for Scotland and Wales, brought into the long-standing arrangements for Northern Ireland and, to some extent, shaped the arrangements for the Government of London. As a result, some of the responsibilities being repatriated to the United Kingdom are in part already decentralised to these devolved entities and the process by which Whitehall will undertake full repatriation is already subject to contentious debate.

Similarly, after a decade-long period of fiscal retrenchment, English local government entities have benefited from, and indeed become heavily dependent on, EU-derived fiscal support programmes. These are largely but not exclusively part of the European Regional Development Fund (ERDF) and European Social Fund (ESF) programmes. The devolved governments have also benefitted heavily from these programmes.

As a result, regardless of how Britain finally leaves, the impetus for reform seems to be present and growing. Given the constitutional and fiscal impact of leaving the EU, and how deeply embedded this relationship has become, there it would seem opportunities to forge a new government settlement for the United Kingdom, and the English regions in particular.

Additionally, universities and other academic institutions have had recourse to EU funding programmes, which has provided substantial support to research capacity as part of Europe-wide (including EEA entities) collaborative programmes.

Until Brexit is finally achieved it will not be apparent whether these current levels of funding (estimated to be £4.5bln in 2016) will or can be sustained by the British Treasury, although recent government documents pledge to continue EU funding, at least partially. To some degree, this stems from the fact that calculating the British budget contribution is distorted by the abatement (sometimes referred to as a rebate). The calculated level of GDP also determines Britain's contribution in the EU budget cycles and levels of recipient allocation (losing the GDP link could result in real terms reductions over future programme periods). Furthermore, there has been some concern over the methodology by which HM Treasury administers EU funding which has drawn past criticism from the European Commission.

Attention has also, understandably, focussed on the scale of the potentially detrimental impact of more constrained access to both the EU and the Customs Union, as a result of Brexit, on both exports and imports. Britain's trade profile lags behind almost all other member states in terms of its proportionate integration with other EU members, for instance Britain and Malta are the only EU member states that trade more with Non-EU economies than with fellow EU members. This is obviously partly a reflection of the continental geographic location of many members.

It seems imperative that the expected new trading environment is effectively exploited, firstly, to offset any diminution of trade to Europe, and secondly provide fresh opportunities for British trading. Until these new volumes of trade flows emerge in the post-Brexit environment, it will not be the negotiation of bilateral Free Trade Agreements that stimulate these flows, rather it will be the provision of necessary international and domestic connectivity that will provide the framework to facilitate export growth. This facilitation must necessarily include more assertive trade policy officers coupled with sufficient infrastructure to support their activity alongside that of exporters. Indeed, the British Foreign Policy Group has indicated in their paper 'The Price of Freedom' that the costs of international engagement, in its broadest definition but including trading relations, will have to be substantially increased to meet post-Brexit aspirations. With London, Scotland, Wales and Northern Ireland already articulating assertive international engagement strategies, consideration needs to be given as to how the international aspirations of Birmingham and the wider region are formally accommodated.

It has been argued that Britain's membership of the EU has enabled it to become the largest recipient of FDI within the EU, largely attributed to Britain being able to act as a gateway to the EU. This role has also been aided by some other EU members, notably Germany, adopting more restrictive, less accommodative, policies toward FDI. Whilst future FDI flows will be largely determined by corporate, and essentially transnational institutional sentiment toward investment destinations and hence difficult to forecast, it would seem obvious that the parameters determining these decisions will shift. Furthermore, these anticipated changes will have an impact on the current principal sources of British FDI, such as Japan. There are already indications that, combined with projected developments of the technological basis of the global economy, a major reassessment of the structure of FDI by the originators is already underway. It is not merely the context for FDI that is changing, but the global economic environment.

Trade tensions between the United States and China, the EU and Canada, as well as with a number of Emerging Markets, have been escalating over the course of the year with tariffs and counter-tariffs being respectively proposed and imposed. Of more serious concern for Britain's apparent aspirations has been the erosion of the effectiveness of the WTO by the United States. According to a recent paper by the Peterson Institute for International Economics 'The dispute Settlement Crisis in the WTO: Causes and Cures', this is not

simply yet a further novel initiative on the part of President Trump, but more an extension of previous administrations voiced concerns regarding the WTO assumption of legislative functions that the Americans consider beyond its remit. This has led to the United States effectively delaying judicial appointments to the WTO appellate body and as a result it could soon be rendered inquorate and unable to adjudicate on trade disputes. Thus, by the time Britain leaves the EU, the WTO option may prove to be valueless, and with President Trump intensifying his anti-WTO rhetoric, there are considerable doubts that it will be able to survive as an effective trade arbiter. Accordingly, as Britain develops its post-Brexit trading relations, rather than an environment within which multinational trade arrangements are the norm, bilateral ties between nation-states could become much more significant.

It is in this context that the British Government is negotiating the UK's exit from the EU. Previously, in the White Paper 'The Future Relationship Between the United Kingdom and the European Union' (otherwise known as the Chequers Proposal), the Government set out its aims for Brexit, including the formation of a free trade area for goods as well as the UK following a common rulebook. This arrangement would, in theory, continue to enable the free movement of goods across borders with no need for customs checks. However, this would not cover services, an important component of the British economy, and increasingly important in the production sectors that the arrangement seeks to protect. In fact, 15.2% of Great Britain's services exports to the EU came from production industries in 2015 – but this was higher in the West Midlands at 39.9%.

In contrast to the British pre-occupation with Brexit, recent events in the EU and reporting in the media would suggest that Brexit is lower down the list of priorities for the EU than some other issues. The argument, often presented by those from the Brexiteer camp, that the UK will receive a favourable deal as it runs a trade deficit with the EU is at odds with some research in that area. Chen et al find that the UK is 4.6 times more exposed to risks from Brexit than regions in the remainder EU. In the EU, they identify Irish regions as the most exposed, although the levels of this exposure are comparable to the least exposed areas of the UK (London and parts of Scotland), followed by North-West Europe, especially Germany.

Nevertheless, there would appear to be some support from EU countries for the UK: in Aston Centre for Europe's paper 'Brexit, Post-Brexit Europe and the V4', it is argued that the Visegrad Four countries (namely Czechia, Hungary, Poland and Slovakia) have an interest in maintaining security ties with the UK, as well as citizens' rights for the many of their citizens currently resident in the UK. The question of the Irish Border, a contentious issue in the Brexit negotiations, is also of issue to these countries, many of whom have outside borders with Non-EU countries.

In his paper 'The Left and Brexit: facing up to the realities of an interdependent world', Jon Bloomfield argues that there are four possible options after Brexit; the hard right's preferred option of a lightly regulated tax haven with a new subordinate relationship with the USA, redoing the Brexit referendum, the nationalist left's go-it-alone Keynesian socialism or a soft Brexit. He argues, from a left-wing perspective, that the last of these options is the best outcome for the UK, including tariff-free seamless trade and application of the EU rule on migrants being sent home if they are not in work or financially independent after three months. A policy that ironically would seem consistent with the Treaty of Lisbon and the stipulation for the free movement of labour – something that a British government could have possibly implemented years ago.

Moreover, the ratings agency Fitch has recently announced that it is increasing its expectations of a disorderly Brexit. This came as the government releases its 84 papers on the sectoral impacts of a No Deal Brexit.

5. Executive Summary

This study commissioned by Birmingham City Council's Brexit Commission is intended to map the range of the currently available research on the potential impact on the region, rather than initiate new analysis. Moreover, whilst the report is intended to be as comprehensive as practically feasible, it is not intended, even where this is practicable given the current state of negotiations, to provide a definitive assessment of the final overall impact. Rather it is designed to provide an accessible route to understanding the complexities of the Brexit process.

Moreover, the purpose of this report is not to make a judgement on the efficacy of the Referendum result to leave the EU. Rather it is an attempt to provide an informed insight into the likely outcome of the negotiations between the respective EU and British representatives and the conceivable, potential range of impacts on the region. The paper draws on the publicly available information, primarily regionally but also nationally and internationally, on the forecast impacts of Brexit, both positive and negative, and these are included in the bibliography within the report.

The research (which is detailed in an accompanying paper entitled The Research Findings) focussed on five key impact areas; on the basis of this research and findings, the Brexit Commission has identified the likely areas of concern, which are listed below.

Trade	
1. Trade	The impact of the conclusion to the Brexit process, notably customs arrangements, tariffs, regulation, freight and borders, on the regional economy, particularly advanced manufacturing given its high servitisation component.
2. Infrastructure & Investment	The impact of Brexit on continued investment into transport infrastructure, broadband, housing and business investment, given the need to sustain international competitiveness.
3. Just in Time Impacts	Implications may lead to the need to stockpile goods such as food and medicines, and issues of where these will be stored. Further implications for energy. The impact on current supply chains and the impact of longer lead times, for example in the manufacturing sector.
Jobs	
4. Key Employment Sectors	Key sectors which are particularly vulnerable to Brexit, including automotive plus those in the wider supply chain. Health and social care are also sectors of concern, with 1 in 10 social care nurses being EU nationals, as well as the broader impact of a general economic downturn/compression in growth. The ability to identify those sectors which are most at risk.
5. Productivity and Skills	The recruitment and retention of skills, especially maintaining access to technical, proficient labour, such as currently provided by EU nationals and addressing skills shortages
Business	
6. Business Adaptability	The preparedness of business to deal with the Brexit outcome (especially SMEs which make up 99% of enterprises in the WMCA) notably the need to increase awareness of the new conditionalities of trading with Europe, potentially under WTO auspices.

Funding	
7. EU Funding	Birmingham alone has benefitted from over £1billion in EU funding and the loss of this resource will have an impact on key priorities for local government such as jobs and skills and inclusive growth. New UK Shared Prosperity Fund critical to filling this funding gap.
Public Sector	
8. Fiscal, Financial & Economic	The potential, up to 13%, compression on the regional economy from Brexit, possibly leading to an increase in pressure on LA services. The impact of volatile interest rates and markets and their impact on servicing debts.
9. Security	Need to increase awareness of adherence to international treaty obligations and trading regime requirements to ensure compliance.
10. Data Sharing	The impact of Brexit on current collaborative arrangements between EU and regional institutions on knowledge transfer and data sharing platforms. This may have implications for issues such as counter-terrorism, but also industries such as medicines and healthcare.
11. Public Services	EU funding, trading standards, environment & health regulation, procurement, workforce issues and resilience.

5.1 Trade

Some 40% of regional merchandise exports are to EU destinations, principally Germany, France, the Netherlands (notwithstanding the Rotterdam effect) and the Republic of Ireland. As these West Midlands exports to the EU are equivalent to over 10% of regional GVA, the terms and structure of the final Brexit agreement will have a significant impact on the region. Moreover, in terms of regional industry specialisation, close to a third of manufacturing output is calculated to be vulnerable to Brexit. The West Midlands flagship sector, the automotive sector, is of particular concern with only an estimated 40% of components sourced locally and therefore would appear particularly exposed to supply interruptions or delays given their reliance on just-in-time delivery systems. Similarly, the aerospace sector and precision components production are heavily integrated into EU rapid delivery value-added supply-chains.

Furthermore, as Manufacturing 4.0 continues to be progressively rolled out across the region, it is increasingly no longer tenable to treat manufacturing and many services sector enterprises as distinct and separate. The increasing symbiosis between these sectors, and the expanding scale of the services inputs into advanced manufacturing products, ensures that any future trade negotiations must recognise this development. West Midlands manufactured exports have amongst the greatest proportion of services sector inputs.

Birmingham Export Position (2016)

	World	UK	West Midlands	Birmingham
Value of EU Exports (£m)	3,414,200	139,975	12,871	1,657
EU Exports % of GVA		8.01	10.17	6.44
% of Total EU Imports	100.00	4.10	0.38	0.05
Value of Non-EU Exports		147,905	16,862	2,489
Non-EU Exports % of GVA		8.46	13.32	9.68

Source: UNCTAD, HMRC, OECD & WMEF

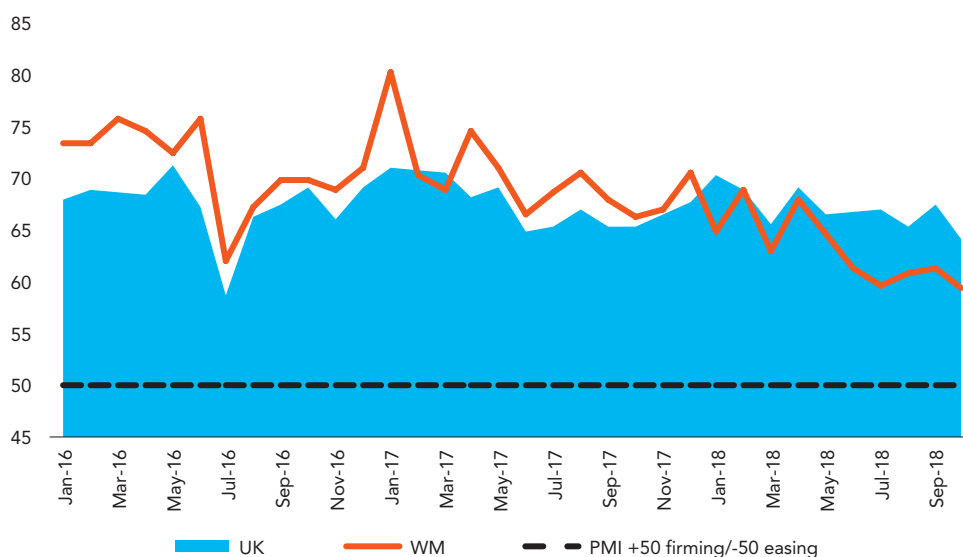
Regardless of the Brexit option pursued, geography will ensure that the EU will remain a key market for Birmingham and the wider region. Enhancing the connectivity to this market, through improvements in regional infrastructure provision should be part of any effort to mitigate the negative impacts of leaving the EU. This could include improving direct access via air, road, rail and sea as well as boosting internet capacity and provision. Indeed, the actual depth of the current relationship is certainly much deeper than the gross trade data indicates, and critical is the exposure of intensely integrated EU-wide supply-chains to Brexit. These EU supply-chains, however, extend beyond the borders of the Single Market and of the Customs Union, encompassing many manufacturers and service providers located in economies without formal trade agreements in place and operating under WTO rules. These supply-chains are not simply the progressive assemblage of products but incorporate associated services sector deliveries, such as design and software provision. Until a trade agreement is in place, the resilience of these supply-chains will be severely tested when, and if, WTO-style tariffs and rules of origin are rapidly and rigorously applied. In the interim it seems more probable that a transition period will be agreed until the end of 2020.

Having a formal input into future trade negotiations will be essential if regional institutions are to provide effective support to the local economy. Furthermore, regional comprehension of the implication of future trade agreements, and the necessary requirements to observe any new arrangements, such as documentation, certification, rules of origin and tax procedures, will be essential to fill current business information gaps. Consideration of free trade zones to support export capacity, whilst dynamic engagement with regional export markets will need to be deepened and expanded, such as the active engagement programme proposed with the Free State of Saxony (see detailed exposition in the Research Findings). With some 60% of regional exports currently to Non-EU destinations, the West Midlands already has a proven track record in succeeding in exporting on WTO and Non-FTA terms.

5.2 Business

Regional business confidence on future prospects has, until recently, held up relatively strongly, despite the continued ambiguity surrounding the final Brexit proposals. However, as the potential for a Brexit without an agreement has increased, this confidence has been eroded. Restoring such confidence will require demonstration by regional institutions that there is a credible strategy to address both the opportunities and risks that arise from any exit from the EU locally. Key to this will be the articulation of a regional focus to the National Industry Strategy. Paradoxically, if Brexit does not include continued membership of the Single Market, this may permit a more activist role to be pursued by public sector institutions and programmes in a less restrictive environment for state aid.

West Midlands Future Business Activity



Source: NatWest Regional PMI & WMEF

In contrast to the small state advocated by many of the leading Brexiteers, with over 98% of the 213,455 businesses regionally employing less than 50 staff, they may not have the capacity to deal effectively with complexities of the post-Brexit environment and require official assistance, putting additional pressure on public services.

Although Brexit may be a significant short-term concern, anecdotal evidence suggests that the longer-term primary constraint on business activity continues to be inadequate connectivity infrastructure, both domestic and international. Developing an internationally competitive infrastructure will not only boost economic potential, over the medium-to-longer-term, but, given the structure of many manufacturing processes spread over a number of units separated geographically, could facilitate productivity gains.

While the sensitivity of the WMCA economy has been calculated to be 12.2% exposed to Brexit in GDP terms (the same level as the UK overall), this most probably understates the overall dependency. The erosion of the relationship is unlikely to be total, although it will be significant and contribute to some compression of output growth. By some of the most pessimistic estimates currently available, from HM Treasury, probably close to 1% per annum over a 15-year period. However, specific businesses are likely to suffer disproportionately and a response mechanism will need to be developed to deal with these, which the region has unfortunately, but nevertheless successful, experience of such interventions. More pessimistically, the prospect of leaving the EU without any agreement in place raises the potential of a sudden and severe shock to growth prospects which is difficult to quantify. Given the past history of EU summits and negotiating processes, it is possible that a last-minute deal will avoid such an outcome, however such brinkmanship will do nothing to assuage business concerns. It also seems likely that the EU will itself resort to emergency action to permit continued economic relations, whilst any impasse is resolved.

The region, and indeed Birmingham, has been very successful in attracting inward foreign direct investment (FDI) over the past decade, and its growth model is based on continuing to attract such flows. Brexit will change the value proposition of the WMCA. However, it is not just Brexit that will influence future FDI inward flows but the future structure of the global economy. With the increasing technological sophistication of the economy likely to alter investment objectives, the region needs to be sufficiently agile to respond to the new requirements. In terms of Greenfield FDI the region has been identified as one of the strongest performers in western Europe over the five-year period ending in 2016.

Location of Greenfield Manufacturing FDI

Top 10 Western Europe States for Manufacturing						January 2012-December 2016		
By Job Creation			By Capital Investment			By Project Numbers		
Rank	State	Country	Rank	State	Country	Rank	State	Country
1	West Midlands	UK	1	Catalonia	Spain	1	Vlaams Gewest	Belgium
2	Catalonia	Spain	2	Vlaams Gewest	Belgium	2	Catalonia	Spain
3	Scotland	Scotland	3	West Midlands	UK	3	Scotland	UK
4	Baden-Wurttemberg	Germany	4	Scotland	UK	4=	Baden-Wurttemberg	Germany
5	Vlaams Gewest	Belgium	5	Baden-Wurttemberg	Germany	4=	West Midlands	UK
6	North West	UK	6	Nordrhein-Westfalen	Germany	6	Nordrhein-Westfalen	Germany
7	North East	UK	7	West-Nederland	Netherlands	7	Bassin Parisian	France
8	South East	UK	8	North West	UK	8	Quest	France
9	Sudodterreich	Austria	9	Castilla y Leon	Spain	9	Est	France
10	Est	France	10	Est	France	10=	North East	UK
						10=	Sachsen-Anhalt	Germany

Top 10 Western Europe Cities for Manufacturing						January 2012-December 2016		
By Job Creation			By Capital Investment			By Project Numbers		
Rank	State	Country	Rank	State	Country	Rank	State	Country
1	Wolverhampton	UK	1	Martorell	Spain	1	Antwerp	Belgium
2	Graz	Austria	2	Antwerp	Belgium	2	Barcelona	Spain
3	Barcelona	Spain	3	Vigo	Spain	3	Coventry	UK
4	Solihull	UK	4	Rotterdam	Netherlands	4=	Madrid	Spain
5	Vigo	Spain	5	Dublin	Ireland	4=	Rotterdam	Netherlands
6	Coventry	UK	6	Valladolid	Spain	6	Dunkirk	France
7	Birmingham	UK	7	Lutetbach	Switzerland	7	Ghent	Belgium
8	Sunderland	UK	8	Madrid	Spain	8	Sunderland	UK
9	Swindon	UK	9	Solihull	UK	9	Berlin	Germany
10	Valladolid	Spain	10	Sunderland	UK	10=	Dublin	Ireland
						10=	Livingston	UK

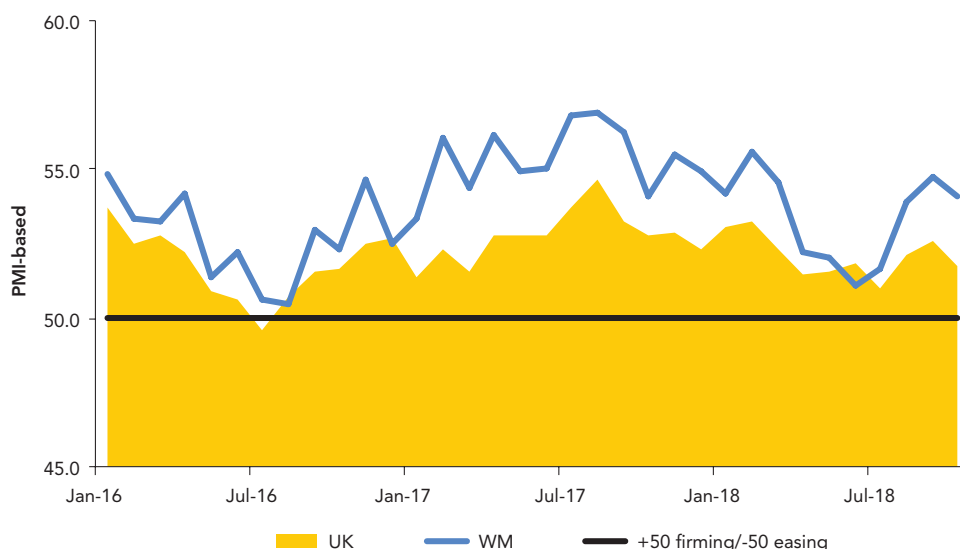
Source: fDi Markets & WMEF

The deepening of the relationship between business and academia has continued apace, with regional institutions particularly successful. EU collaborative funding flows for academic institutions, such as Horizon 2020 which was worth €4.98bln to the UK in 2015, has provided crucial support for the links with businesses. There needs to be an urgent response to secure future equivalent funding after 2019 and facilitate continued participation by City institutions in EU research programmes.

5.3 Jobs

It is not clear what migration policy will be developed post Brexit to deal with potential labour market demand, given the tightness of current conditions. The government appears to have assumed that Brexit was in part a collective response to perceived levels of immigration. Although this is cited as a factor by many commentators, the evidence is not convincing, with other factors, such as cutbacks in local government frontline services and compressed real wages perhaps as significant a factor. The Institute for New Economic Thinking suggests that the areas hardest hit by welfare reforms and austerity were more likely to support UKIP and vote for Brexit than other areas. Moreover, different British regions have different labour demands, and this will also need to be addressed both in terms of domestic policy responses as well as how to meet any supply constraints through migration programmes.

Employment Demand



Source: NatWest Regional PMI & WMEF

The formal regional labour market is close to historic employment highs, with over 60% of the 16-64 age cohort in employment. However there remain pockets of endemic long-term under-employment and unemployment, with registered unemployment at 7.1% in the WMCA – the highest of all the UK combined authorities. Nevertheless, labour market conditions can be expected to remain tight, provided growth momentum is sustained. As a result, there are reported major skills shortages in key high value-added sectors. In part, this can be attributed to the comparatively low skills levels in the WMCA economy compared to the wider region and the UK as a whole. Although it should be noted that the workforce is the most skilled it has ever been, the percentage

of 16-64-year-olds with no formal qualifications is 13.1% in the WMCA, compared to 10.4% in the West Midlands and 7.7% in the UK overall. This highlights the need for local skills strategies to tackle structural issues within regional and local economies, especially with regard to the Shared Prosperity Fund.

Much of the workforce is, however, located in low-paid, low-value-creation sectors, increasingly staffed by people on temporary and zero-hour-contracts. A skills strategy needs to be sufficiently adroit to accommodate these aspects, with simple supply-side solutions unlikely to be sufficient.

Given the tightness of the labour market, demand for skilled migrant staff will remain robust for the foreseeable future, indeed, as can be seen from recent PMI data, it has remained robust in the region despite the headwinds from Brexit. The skills strategy adopted by government, and critically devolved to local government and/or the English regions, Brexit also needs to understand the nuances of different types of workers and people coming to the UK. Sectors in the West Midlands where a significant number of EU nationals make up the workforce, such as health and social care where 4.2% workers are from the EU, rising to 10% of registered nurses, will also come under considerable strain. As another example, an EU-based HGV driver may come to the UK for 24-36 hours at a time, bringing in goods and components and taking out exports, but returning as many as twenty or thirty times a year. With 87.4% of powered goods vehicles crossing the UK border being registered in the EU, visa restrictions to these workers after Brexit could pose considerable strain on the region's exporting capacity. Similar problems could apply to seasonal workers, for example those in the agricultural and tourism sectors or other areas such as the annual German Market. These are highlighted in the case studies on Birmingham Wholesale Markets and health & social care in the region.

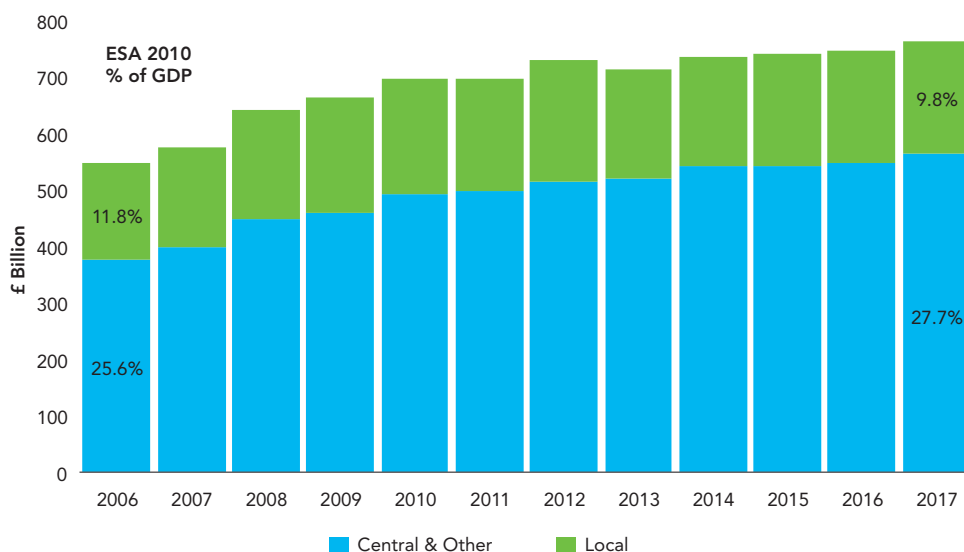
The strategy adopted by government should therefore consider the different needs of industries, sectors and regions within the UK, with a more nuanced, and possibly devolved, visa process introduced.

5.4 Future funding

The loss of access to EU funding flows by 2020 at the latest, is simply yet a further damaging contraction of the local government resource base, particularly in the sectors which rely heavily on this funding, such as employment and skills. It is estimated that Birmingham has benefitted from over £1 billion in EU funding. Overall, the LGA has identified a potential €10.5 billion (£8.4 billion) UK-wide funding gap for local government that would immediately open up from the point we officially exited the EU, unless a viable domestic successor to EU regional aid was in place.

Notwithstanding the increased moves by central government to decentralise policy and responsibility, with some key success in the devolution agenda, as reflected in the creation of the WMCA, the corresponding provision of funding has been piecemeal. A comprehensive review of the funding for English local government is urgently required, with the excessive concentration of revenue powers at a central level one of the highest globally. The highly centralised nature of the British government could also lead to a diminution of the voice of British regions and cities on a European and global stage. Instead of being able to secure funding and lobbying power on a European stage, these regional bodies will now have to communicate their needs through Whitehall and central government.

Aggregate Government Expenditure



Source: ONS & WMEF

EU funding does not just support local government, revenue streams for universities, chambers of commerce and business support projects could potentially lose funding that is allocated on a medium-term basis, and is not subject to changes with the electoral cycle. As an interim measure to offset the impact of losing EU funding, the Core Cities proposals for the Shared Prosperity Fund will need to be adopted in full to avoid a loss of delivery capacity. These are:

- be a multi-year (minimum 7 years), fully devolved funding programme, aligned to each region's strategic economic framework;
- start by 2020/2021 to ensure continuity in activity;
- be a flexible fund which avoids a restrictive siloed approach, funding activities in the fields of innovation, skills, business support, regeneration, and employment support, to fit the needs of each area;
- support the aim to reduce disparities between and within regions; with a shift towards more broadly defined growth benefits (e.g. 'quality GVA');
- be targeted to reflect economic conditions, recognising the latent potential in many currently underperforming areas, and not allocated on a competitive basis;
- have the flexibility to lever in private funds or other public funds where this is suitable or offer a wholly-financed approach where appropriate;
- have the flexibility to fund both revenue and capital projects, or a combination of these;
- increase the accessibility of funds currently restricted by setting arbitrary minimum levels of match;
- have simple, clear and concise guidance that allows projects to be delivered with maximum benefit and not impacted by unnecessary administration duties.

Local authorities have become highly dependant on EU funding streams, for example in areas of skills development and business support, and any loss of these resources will have a detrimental impact on local government services. In this regard, future funding streams made available by central government will be critical.

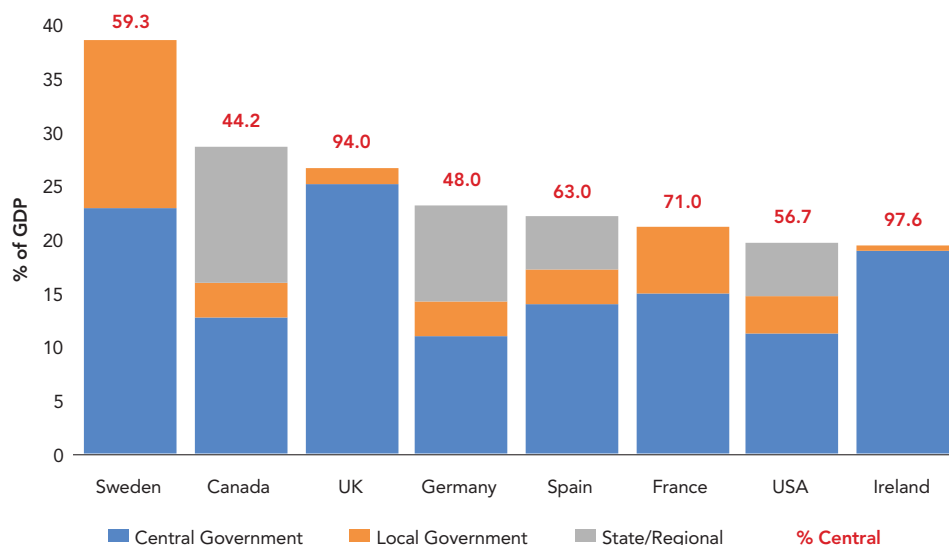
5.5 Public Services

Membership of the EU has had a significant influence on the way public services are delivered. The EU's ambitions for an integrated Europe with a harmonised Single Market have led to a raft of EU legal instruments having relevance on a wide range of areas affecting public service delivery. This comprises trading standards, including health and environmental concerns; regulation and legal issues such as procurement and state aid. A cornerstone of EU citizenship has been the right to freedom of movement across borders within the EU. The workforce has been a net beneficiary of this with many non-UK EU nationals working in critical areas of public service delivery, such as social care and health. Public service delivery also encompasses resilience and security issues, including police and security co-operation, the effect of Brexit upon this is still unclear. In addition, local government has a role in supporting business and responding to economic impacts in our areas, including trade and travel, regulation and potential impacts on infrastructure projects. Furthermore, the EU has developed an extensive regional framework in an attempt to promote growth and expansion across the EU, albeit one that is mediated by differing and distinct approaches adopted by member-states. As a result, EU funding streams, as well as best-practice knowledge diffusion, have been heavily integrated into British local authority strategies. Birmingham alone has been a net benefactor of over £1bn of funding and is currently delivering £103m of EU funded programmes.

Regardless of the final form of disengagement, the net impact on public services, across sectors is expected to be appreciable. Currently many core services such as employment and skills and business support are resourced through EU funding. A withdrawal of this funding would threaten the delivery of such services.

Although not within the purview of this report, perhaps a more fundamental review of both the funding of devolution and of the funding of local government needs to be undertaken, possibly by a Royal Commission. Not only does the current Barnett formula effectively curb English regional capital and current expenditure, but London continues to receive a disproportionate level of public sector provision with some 34% of regional GVA in the capital derived from it. Indeed, the United Kingdom government administration continues to be a grossly over-centralised process, especially when considering revenue harvests compared to comparable economies.

Comparative Government Revenue Structures (2016)



Source: OECD & WMEF

This issue can only really be addressed if there is a real transfer of power and funding resources. Government should use Brexit as an opportunity to shape the future economic and social landscape by accelerating the devolution of powers, funding and responsibilities to the region. By linking devolution to the Industrial Strategy, the region will have an enhanced opportunity to improve skills, boost exports and invest in infrastructure and growth sectors which in turn will provide better jobs, life chances and future prosperity for citizens.

Notwithstanding, the current focus of negotiations on the form of disengagement, access to the Single Market and Customs Union, the overall impact of the public sector, notably in terms of sources for new UK funding streams replacing current EU flows, has yet to be calculated and determined. EU funding does not just support local government; revenue streams for universities, chambers of commerce and business support projects could potentially lose funding that is allocated on a medium-term basis, and is not subject to changes with the electoral cycle.

As an interim measure to offset the impact of losing EU funding, the Core Cities proposals for the Shared Prosperity Fund will need to be adopted in full to avoid a loss of delivery capacity. Thus, both the negative risks and potential opportunities need to be identified. New rules to be introduced regarding the free movement of EU citizens will also have an effect.

In the event that free movement ends, issues to be resolved would include:

- rules around EEA citizens already in the UK;
- the cut-off date(s) which would apply;
- whether there would be a transitional period with more limited immigration: with, therefore, fewer people eligible for housing and related services;
- a plan for the long-term: would the same rules apply to all EU countries or might the future be a number of bespoke agreements?

By 2016 it was estimated that over 200,000 non-British nationals were employed in the health and social care sectors, an increase of almost three-quarters in the period since 2006, according to ONS data. However, both anecdotal evidence from unions, the NHS and social-care providers, as well as data from ONS indicate a significant fall in these numbers, potentially by as much as 40,000, with the bulk of this migrant work force located in London.

In the West Midlands, the most significantly affected part of the social care workforce is registered nurses. Typically, these would be nurses in settings such as older adult nursing homes. The significant figure here is that 10% of the registered nurses in West Midlands care settings are of an EU nationality; far higher than the proportion in any other setting or job role. This could cause great difficulty post-Brexit, particularly against a backdrop of already high vacancy and low staff retention of nursing staff. A further area of concern is that 3.7% of the domiciliary care (home care) workforce is made up of EU nationals, and this accounts for a high number of staff due to the size of the sector. Across the Midlands, there are over 2,000 EU domiciliary care workers providing essential care to people in their own homes.

The impact is indeed, likely to be felt across the public sector. As of June 2018, there were 2.28 million EU nationals employed in Britain, a fall of 86,000 from a year previous and the largest drop since comparable records began in 1997.

The public sector interface with the business community (shared services) is an area of concern, with agreements and operating practices bound up within EU legal frameworks. Until the effective transfer and repatriation of necessary legislative frameworks are undertaken by Britain, shared services are another sector which it still remains problematic to determine. Future taxation variances from EU norms and current British tax concessions continuity could also have a considerable impact. Nevertheless, current business structures, including locations and supply chains, may have to be modified, whilst a combination of uncertainty on future economic trends and access to (migrant) labour could jeopardise business confidence, eroding investment flows. Similarly, a rapid depreciation of Sterling could undermine commercial viability.

A particular area of concern is procurement. Procurement is of critical importance to local authorities as it is one way of building local wealth. The purchasing power in terms of local authorities creating local investment provides additional social value for local citizens, often those who are most vulnerable. The Public Contracts Regulations 2015 governs the way Contracting Authorities procure their services, supplies and works. It is hugely important both for Contracting Authorities and supply markets alike to have clarity regarding what rules will apply, including any transitional arrangements and implications for potential variations in processes. Lack of such clarity could lead to costly delays and challenges that would focus already stretched resources into abortive work.

The continued integrity of environmental directives, largely originated by the EU but administered and implemented by Britain, especially by local governments is essential. It is noteworthy that in internal European Commission discussions, Britain has continually resisted the establishment of binding long-term stringent targets. On recycling, all EU states have a target of recycling 50% of household waste by 2020. The EU is considering imposing recycling targets of 65% by 2030, about which Britain has expressed reservations. In England, recycling has increased from around 10% in 2000 to about 44%. This increase has slowed more recently however, impacted by an unstable waste market. It is anticipated that local authorities will be required to do more, with increased waste separation. The Brexit effect would have little effect in Wales and Scotland as both devolved governments have already set even more challenging targets than the EU ones. In England, however, leaving the EU could mean less stringent targets.

Trading Standards work both as a regulator and as business advisor, and are heavily heavily influenced by harmonised EU wide legislation. There are 250 different pieces of legislation that places a statutory duty on the public services. Trading Standards Officers are authorised to enforce that legislation. However much of the legislation is derived from the EU. The Government has indicated its ambition to maintain 'high regulatory standards'. However, questions remain about how the Government will be able to reciprocate high standards of consumer protection.

In the context of developing local Brexit planning, the lack of clarity and the scale of the task accommodating necessary changes to local government responsibilities and derogations remain a huge challenge. Notwithstanding this uncertainty, it is vital that local government and its partners do what they can to most effectively prepare for the consequent impacts, whether positive or negative.

Whilst it is appropriate to explore where we can secure benefits and opportunities from Brexit, it is also prudent that we plan for a No-Deal scenario.

6. Basic Data

Economic Output (2016)					
Variable	Unit	Source	WMCA	West Midlands	UK
GVA	£bn	ONS	61.0	126.6	1,747.6
Annual Growth	%	ONS	3.6	3.9	3.7
GVA per Capita	£	ONS	21,296	21,823	26,621
GVA per Economically Active	£	ONS	48,026	47,108	54,827
Economic Structure:					
Production	%	ONS	24.4	26.1	20.8
Distribution	%	ONS	22.4	24.5	24.5
Services	%	ONS	28.1	26.7	32.8
Societal	%	ONS	25.0	22.7	21.9

Population (2016)					
Variable	Unit	Source	WMCA	West Midlands	UK
Total Population	No.	ONS	2,897,300	5,860,700	64,169,400
Males	No.	ONS	1,434,500	2,904,300	31,661,600
Females	No.	ONS	1,462,800	2,956,400	32,509,800
Population Aged 16-64	%	ONS	63.1	62.1	62.9
Males	%	ONS	63.7	62.8	63.6
Females	%	ONS	62.5	61.3	62.2

Labour Market (16-64 Population, March 2017)					
Variable	Unit	Source	WMCA	West Midlands	UK
Economically Active	%	APS	72.3	76.6	78.4
Employees	%	APS	59.2	62.9	64.0
Unemployed	%	APS	7.0	5.0	4.3
Student	%	APS	27.7	23.4	21.6
NVQ4+ (2017)	%	APS	29.6	31.8	38.6
No Qualifications (2017)	%	APS	13.1	10.4	7.7
Jobs Density (2016)	Ratio	ONS	0.76	0.79	0.84

Employment (16+ population, March 2017)					
Variable	Unit	Source	WMCA	West Midlands	UK
Managers, Directors & Senior	%	APS	9.0	10.4	10.8
Professional	%	APS	17.9	18.1	20.3
Associate Professional & Technical	%	APS	12.6	13.2	14.5
Admin & Secretarial	%	APS	10.4	10.4	10.3
Skilled Trades	%	APS	10.7	11.2	10.2
Caring, Leisure & Other Services	%	APS	9.4	9.3	9.0
Sales & Customer Service	%	APS	7.9	7.1	7.6
Process Plant & Machine Operatives	%	APS	8.8	7.8	6.3
Elementary	%	APS	12.8	12.2	10.5

Businesses (2016)					
Variable	Unit	Source	WMCA	West Midlands	UK
Enterprises	No.	BASL	88,965	213,455	2,668,805
Micro	%	BASL	88.6	89.1	89.4
Small	%	BASL	9.3	9.0	8.7
Medium	%	BASL	1.7	1.5	1.5
Large	%	BASL	0.4	0.4	0.4

West Midlands Merchandise Trade Performance (2017)

Rank	£m	Exports (£m)	Trade Balance (£m)	% Change 2013-17	% of Total		Trade Penetration
1	USA	5,949.9	4,033	60.9	17.8		0.32
2	China	3,996.3	162	12.5	11.9		0.28
3	Germany	3,595.7	-3,290	51.0	10.7		0.39
4	France	2,182.1	-106	25.9	6.5		0.45
5	Ireland	1,457.6	518	37.6	4.4		2.12
6	Italy	1,410.4	-346	72.2	4.2		0.40
7	Netherlands	1,317.1	-933	14.6	3.9		0.29
8	Spain	956.1	-250	61.1	2.9		0.35
9	Belgium	882.6	-881	27.7	2.6		0.28
10	Australia	837.8	702	67.0	2.5	Top 10 = 67.5	0.47
11	Canada	609.7	224	55.5	1.8		0.18
12	South Korea	609.6	325	117.9	1.8		0.16
13	Russia	545.7	265	-35.4	1.6		0.31
14	Poland	514.9	-535	87.0	1.5		0.30
15	United Arab Emirates	508.6	371	-6.5	1.5		0.24
16	Japan	483.0	-280	67.9	1.4		0.09
17	Sweden	469.1	-353	7.2	1.4		0.39
18	Turkey	446.9	-300	30.6	1.3		0.25
19	India	392.1	-321	20.3	1.2		0.11
20	Switzerland	392.0	53	32.6	1.2	Top 20 = 82.4	0.19
21	Austria	355.3	-87	40.6	1.1		0.26
22	Singapore	340.3	196	49.5	1.0		0.14
23	Hong Kong	334.2	-205	34.1	1.0		0.07
24	Saudi Arabia	327.0	280	39.9	1.0		0.35
25	South Africa	281.4	75	-22.6	0.8		0.44
26	Denmark	243.4	-84	-2.8	0.7		0.34
27	Norway	220.5	-140	11.5	0.7		0.33
28	Czechia	210.8	-502	27.0	0.6		0.17
29	Hungary	198.8	-208	109.2	0.6		0.25
30	Brazil	188.4	-3	-44.7	0.6	Top 30 = 90.4	0.16
31	Finland	157.8	-85	24.2	0.5		0.29
32	Romania	147.5	-288	69.7	0.4		0.22
33	Portugal	143.7	-530	31.2	0.4		0.24
34	Kuwait	129.6	95	18.3	0.4		0.50
35	Gibraltar	127.3	127	91.9	0.4		21.85
36	New Zealand	124.4	68	87.2	0.4		0.40
37	Qatar	123.1	101	-8.0	0.4		0.53
38	Mexico	109.5	3	2.3	0.3		0.03
39	Slovakia	102.8	-124	82.8	0.3		0.16
40	Israel	96.7	-7	3.5	0.3	Top 40 = 94.2	0.18
41	Taiwan	91.1	-316	76.1	0.3		0.05
42	Thailand	88.0	-232	1.9	0.3		0.05
43	Indonesia	77.3	-4	44.4	0.2		0.06
44	Oman	68.9	61	-2.6	0.2		0.33
45	Malaysia	68.0	-149	-38.5	0.2		0.05
46	Morocco	67.6	-75	17.4	0.2		0.19
47	Chile	66.8	14	9.5	0.2		0.13
48	Greece	65.9	26	62.9	0.2		0.15
49	Nigeria	65.5	61	-0.5	0.2		0.19
50	Egypt	63.8	-78	35.2	0.2	Top 50 = 96.4	0.12
51	Ukraine	61.9	48	-38.1	0.2		0.16
52	Iraq	51.2	48	21.2	0.2		0.16
53	Slovenia	48.8	12	47.9	0.1		0.17
54	Bulgaria	47.2	24	49.9	0.1		0.18
55	Jordan	47.0	43	110.7	0.1		0.30

Rank	£m	Exports (£m)	Trade Balance (£m)	% Change 2013-17	% of Total		Trade Penetration
56	Lebanon	45.7	42	-9.3	0.1		0.31
57	Pakistan	41.2	-40	8.7	0.1		0.09
58	Iceland	40.0	34	253.5	0.1		0.74
59	Malta	35.4	26	42.9	0.1		0.79
60	Colombia	35.2	-23	51.6	0.1	Top 60 = 97.7	0.10
61	Ghana	35.0	34	-10.9	0.1		0.36
62	Cyprus	34.8	27	-29.6	0.1		0.48
63	Bahrain	33.5	28	1.1	0.1		0.41
64	Lithuania	30.9	12	54.3	0.1		0.12
65	Argentina	28.6	-24	19.4	0.1		0.06
66	Vietnam	28.4	-191	123.5	0.1		0.02
67	Estonia	28.1	14	-9.4	0.1		0.21
68	Algeria	20.4	10	-74.6	0.1		0.06
69	Luxembourg	19.6	-73	-62.7	0.1		0.12
70	Peru	18.9	-7	1.0	0.1	Top 70 = 98.6	0.06
71	Kazakhstan	18.7	15	89.9	0.1		0.08
72	Costa Rica	17.1	-6	23.6	0.1		0.14
73	Georgia	16.6	16	495.8	0.0		0.27
74	Kenya	16.0	-6	-50.2	0.0		0.12
75	Latvia	14.0	-15	18.7	0.0		0.11
76	Sri Lanka	12.5	-37	58.9	0.0		0.08
77	Bangladesh	12.1	-200	9.2	0.0		0.03
78	Croatia	11.5	-4	61.8	0.0		0.06
79	Ivory Coast	10.1	10	279.5	0.0		0.13
80	Azerbaijan	9.2	9	-64.9	0.0	Top 80 = 99.0	0.13
81	Mauritius	8.8	-4	79.8	0.0		0.22
82	Panama	8.2	6	-39.0	0.0		0.05
83	Guatemala	7.5	1	21.1	0.0		0.05
84	Serbia	7.2	-84	-5.5	0.0		0.04
85	Tanzania	7.0	6	-56.2	0.0		0.09
86	Trinidad and Tobago	6.9	4	-24.8	0.0		0.15
87	Senegal	6.6	1	-49.0	0.0		0.13
88	Ethiopia	6.0	-2	38.6	0.0		0.05
89	Angola	5.0	4	-77.9	0.0		0.03
90	Falkland Islands	4.1	4	-33.0	0.0	Top 90 = 99.2	2.13
91	Ecuador	4.1	-1	-54.3	0.0		0.03
92	Dominican Republic	3.8	-13	-31.6	0.0		0.03
93	Cameroon	3.4	3	-27.4	0.0		0.09
94	Uruguay	3.1	2	-52.5	0.0		0.05
95	Trinidad and Tobago	2.0	2	155.1	0.0		0.15
96	Honduras	1.9	-41	191.1	0.0		0.02
97	Trinidad and Tobago	1.5	-7	-84.3	0.0		0.15
98	Republic of Congo	1.0	1	-26.5	0.0		0.00
99	Venezuela	0.4	-2	-90.6	0.0		0.01
	Total	33,458.3	-3,210.9	31.5	100.0	100.0	0.25

Source: HMRC, UNCTAD, OECD & WMEF

7. Glossary

2011 Census	UK Census undertaken by the ONS in 2011
APPG	All-party parliamentary group
APS	Annual Population Survey
Article 49	Refers to Article 49 of the Treaty of Lisbon which outlines the process by which a nation state can become a member of the EU
Article 50	Refers to Article 50 of the Treaty of Lisbon which outlines the process by which a nation state can leave the EU
Barnett Formula	The mechanism by which funding is allocated to the four constituent nations of the UK
BASL	Business activity size and location
BCU	Birmingham City University
BFPG	British Foreign Policy Group
Brexit	The exit of the UK from the EU
Brexit Referendum	The United Kingdom European Union membership referendum in June 2016
Budget Cycle	The EU multilateral financial framework covering the period 2014-2020 with the new period coming into force in 2021-2027
Business Rates	A tax on non-domestic properties
CBR	Centre for Business Research, Cambridge University
CBS	Centre for Brexit Studies, Birmingham City University
Chequers Agreement	Proposed future relationship between the UK and the EU by the British Government
City REDI	City Region Economic and Development Institute
Core Cities	An advocacy group of 10 key urban areas of the UK excluding London, comprising Birmingham, Bristol, Cardiff, Glasgow, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield
Customs Union	The EU Customs Union which means that the 28-member states of the EU, as well as Turkey, Monaco, Guernsey, Isle of Man, Jersey, Akrotiri and Dhekelia, Andorra and San Marino, form a single territory for customs purposes
EC	European Commission
ECJ	Court of Justice of the European Union
Economic Operator	Authorised Economic Operator
EEA	European Economic Area
EFTA	European Free Trade Area
ERDF	European Regional Development Fund
ESF	European Structural Fund
EU	European Union
EUROCITIES	Network of Major European Cities
FDI	Foreign Direct Investment
Fitch	Fitch Ratings
FTA	Free Trade Agreement
FTZ	Free Trade Zone

Future Partnership	The negotiations of the future arrangement between the EU and the UK will begin after the implementations of the Withdrawal Agreement.
GDHI	Gross Domestic Household Income
GDP	Gross Domestic Product
GVA	Gross Value Added
HGV	Heavy Goods Vehicle
HMRC	Her Majesty's Revenue and Customs
Horizon 2020	EU research and innovation funding programme covering 2014-2020
IMF	International Monetary Fund
Intermediate bodies	The Core Cities plus London and Cornwall
Key Cities	A group of mid-sized UK cities, including Coventry and Wolverhampton.
LA	Local Authority
LEP	Local Enterprise Partnership
LGA	Local Government Association
Nomis	ONS Source of Labour Market Statistics
NVQ	National Vocational Qualification
OECD	Organisation for Economic Co-operation and Development
OEM	Original Equipment Manufacturer
ONS	Office for National Statistics
PMI	Purchasing Managers Index, a monthly survey of businesses carried out by IHS Markit, which produces a diffusion index where above 50 signals expansion and below 50 signals contraction.
Single Market	The EU as one territory without any internal borders of obstacles to the free movement of goods, services, capital and labour
The European Council	The European Council of Ministers
Treaty of Lisbon	The Treaty which forms the constitutional basis of the EU, which came into force on 1st December 2009
UNCTAD	United Nations Conference on Trade and Development
US Conference Board	The Conference Board is a global, independent business membership and research association working in the public interest in the USA
West Midlands	West Midlands Region, comprising the WMCA and the counties of Herefordshire, Shropshire, the City of Stoke-on-Trent, the Borough of Telford & Wrekin, Warwickshire, Staffordshire and Worcestershire
WFS	Wirtschaftsförderung Sachsen GmbH, the Saxony Economic Development Corporation
Withdrawal Agreement	The agreement between the EU and the UK on the terms of the UK's exit from the EU, currently encompassed by the Mutual Understanding.
WMCA	West Midlands Combined Authority, Metropolitan Area, full membership of which comprises Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton
WMEF	West Midlands Economic Forum
World Bank	The International Bank for Reconstruction and Development
WTO	World Trade Organisation

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Brexit Commission Membership

1. Birmingham City Council
2. Greater Birmingham Chamber of Commerce
3. West Midlands Combined Authority
4. Aston University
5. Birmingham City University
6. University of Birmingham
7. University of Warwick
8. Black Country Local Enterprise Partnership
9. Coventry and Warwickshire Local Enterprise Partnership
10. Greater Birmingham and Solihull Local Enterprise Partnership
11. Coventry City Council
12. Dudley Metropolitan Borough Council
13. Sandwell Metropolitan Borough Council
14. Solihull Metropolitan Borough Council
15. Walsall Metropolitan Borough Council
16. Wolverhampton Council
17. West Midlands Economic Forum

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Disclaimers

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The West Midlands Economic Forum is a neutral, independent forum bringing together representatives of the public, private and voluntary sectors to evaluate real trends in the local economy.

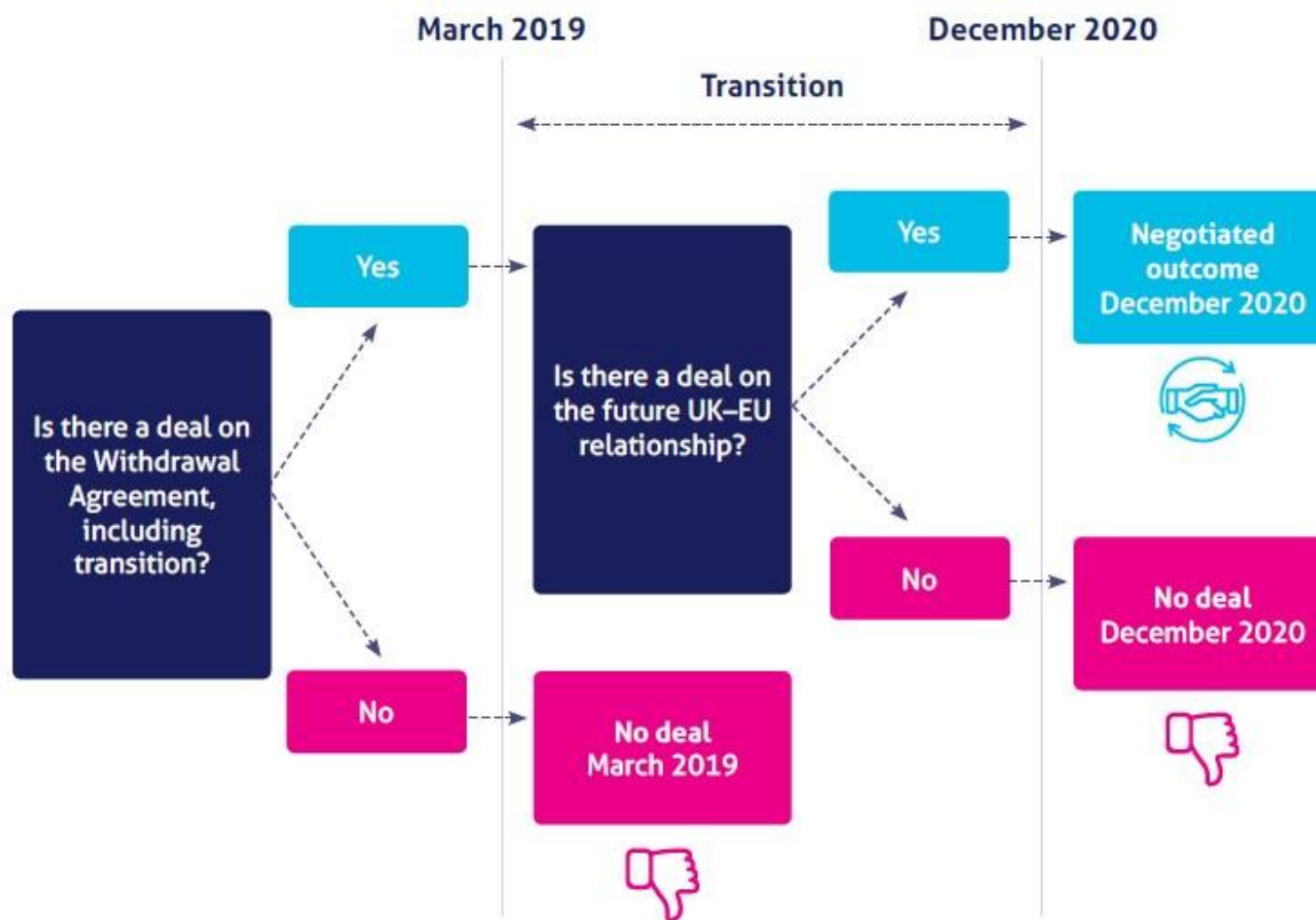


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Brexit implementation process

Source: Institute for Government analysis.

No Deal Brexit risks and contingencies

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
A - EU Funding							
6	Guarantee for EU funded programmes (23/8, 14/9)	Enabling completion of projects using EU funds.	Yes	Yes	Will guarantee funding for all projects agreed before 29 March 2019. This was extended to projects directly funded by the Commission, projects with a third country until 2020 and agricultural funding until 2020. Latest update includes departmental contacts for each EU funding stream.	High	
5	Horizon 2020 funding (23/8)	Enabling continued participation.	No	Yes – Universities and businesses – research and innovation	All funding agreed before March 2019; all funding through projects open to third countries until 2020.	Medium	
1	Connecting Europe Facility energy funding (13/9)	Process for achieving Common Interest status for cross-border energy projects – enables CEF grants to be awarded.	No	?	Government guarantee will ensure funding continues where already granted. Requires secondary legislation?	Low	
2	ERDF (13/9)	Enabling completion of projects.	Yes	Yes	As above.		
3	ESF (13/9)	Enabling completion of projects.	Yes	Yes	As above.		
4	UK LIFE projects (13/9)	Environmental, conservation and climate change projects – maintaining funding.	Yes	Yes	Funding guaranteed for UK projects agreed before 29/3/19 and ongoing projects led by organisations in other EU nations.	Low	
B – Driving and transport							
1	Driving in the EU (13/9)		No	Yes	Drivers will require an International Driver Permit in addition to their UK licence from 29/3/19.	Low	

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
					Govt. will make EU IDPs available (two different types depending on which country) from 1/2/19. IFG: concerns raised by NAO about capacity to deliver IDPs – no detailed delivery plans at July.		
2	Aviation safety, Aviation security, Flights to and from the UK (24/9)	Aviation regulations and flights between the UK and the EU, and a variety of international agreements, in the event of a no deal individual airlines will have to seek new agreements from respective states.			EU Commission has acknowledged that a 'bare bones' agreement on air services would be desirable. Individual airlines will be responsible for the agreements if no deal is met, however the GOV is working to ensure that the deals previously in place continue after exit. Flying internationally will not be disrupted.		
5	Operating bus or coach services abroad (24/9)	Currently UK bus/ coach operators must hold a Standard International Operator's Licence and Community Licence for journeys to and from the EU. The Community licence will become invalid in the event of no deal.			EU states can individually grant permission for UK companies to enter but this is not guaranteed. The UK intends to join the Interbus agreement which would allow coach holidays and tours to continue, however UK operators would not be able to undertake work entirely within the EU. Plus the extension of Interbus to cover regular services will not have taken effect by March 2019 so a UK operator picking up and dropping off the same passengers within the EU would not be permitted under Interbus regular service rights. There is a slight chance the UK would not be able to join Interbus, meaning bilateral agreement would have to be drafted.		
6	Vehicle insurance (24/9)	UK drivers will no longer be able to drive freely through EU and EEA countries and			UK drivers will not need to purchase additional third party cover. Green Cards can be requested from insurance providers free of charge. EU and		

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
		will be required to carry a Green Card.			<p>EEA drivers will also require a Green Card in the UK.</p> <p>It is possible to purchase insurance from each country travelled to (frontier insurance), however this is not always available and GOV recommends getting a Green Card.</p> <p>Commercial operators which have fleet insurance, must ensure you have Green Cards for each vehicle.</p>		
7	Rail transport (12/10)	<p>EU Law regulates how the rail market can be structured and the rights of passengers.</p> <p>Plus to operate either domestic or cross border operators must obtain licenses and authorisations from EU regulators.</p>			<p>The UK will pursue bilateral deals to ensure cross border travel and will adopt EU law onto the UK statute book on exit day.</p> <p>An EU Commission TN has indicated operator licences issued by the ORR (as the UK's licensing authority) to operators currently operating in the EU would not remain valid in the EU after exit.</p> <p>The GOV are proposing to recognise operator licences in the UK that have been issued by another EU country for 2 years following exit day in a 'no deal' scenario. After this an operator would need to apply to the ORR for UK documentation.</p>		
8	Meeting rail safety and standards (12/10)	Most of the rules on technical standards, interoperability and safety are contained in EU law.			The same as above, GOV will take on EU law and is seeking bilateral deals, yet the Commission has indicated it will not accept certification from the ORR.		
C – Farming							
1	Farm payments (23/8)	Maintaining support.	No	Yes in non-constituents	Legislation will ensure continued payment on current basis until the end of this Parliament (2022 or sooner). Consultation papers have been published on future arrangements.	Low	

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
					IFG: Doubts about whether the legislation will be in place by March (Parliamentary time pressures). No clarity on exports of animal or plant products.		
2	Rural development funding (23/8)	Funding for projects of environmental value – maintaining support.	No	Yes in non-constituents	Guarantee of funding for projects already agreed and new applications to 2020.	Low	
3	Regulating pesticides (12/10)	PPP's are subject to EU regulations.			The GOV has indicated it will establish an independent standalone PPP regime. EU standards will continue, however secondary legislation is being drawn up to make technical corrections. The Health and Safety Executive (HSE) will continue to operate as the national regulator.		
4	Plant variety rights and marketing of seed and propagating material (12/10)	EU legislation provides a framework for protection of plant variety rights, largely superseding the UK's longstanding national system.			Existing plant variety rights would still be valid however rights not approved before the 29 th March 2019 will need to be made to the Animal and Plant Health Agency (APHA). APHA is reviewing its processes to mitigate the resulting increased costs for plant breeding businesses. UK certified seed and propagating material and UK DUS testing of plant varieties would no longer be accepted or marketable in the EU, the UK will ask the EU to recognise its certification processes as equivalent, but there are no guarantees. Varieties that are already registered on the EU Common Catalogue, but not on the UK list, are currently being added to the UK National List, which would allow them to be marketed in the UK.		
5	Breeding animals (12/10)	The UK would no longer be able to trade purebred animals automatically with other recognised states.			UK zootechnical businesses which met certain Commission standards would still be able to trade.		

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
					EU-recognised breed societies and operations operating in the UK would not change initially. They would continue to have access to the UK in the same way as they do now.		
D - Civil legal cases							
1	Handling civil legal cases (13/9)	EU legal framework that governs cross-border legal disputes – provisions for UK would expire at 29/3/19. Will affect businesses and families involved in disputes.	No	Yes	Govt would repeal most of the existing EU legislation and implement an enhanced form of the existing UK laws relating to cross-border cases. IFG: This will be part of the extensive range of primary and secondary legislation to be taken through in the event of no deal and there is therefore some doubt that this can be achieved before March 2019.	Low	
E - Importing and exporting							
1	Classifying goods for trade tariffs (23/8)	Goods will be subject to new EU and UK trade tariffs on the same basis as third countries.	No	Yes	Taxation (Cross Border Trade) Bill is about to receive Royal Assent and will enable new UK tariffs to be set. EU will apply Most Favoured Nation tariffs to UK exports under WTO rules. UK will apply its own MFN rates to EU imports and will determine these before March. Exporters and Importers will have to follow new guidance to be published to classify their goods. Existing standard commodity coding systems will be used. These changes could create significant additional costs on businesses and it is likely that they will have insufficient time to factor these into business planning.	High	
2	Exporting controlled goods (23/8)	Regulations apply to the export of controlled goods – military, firearms, “dual use” goods and goods that may	No	Yes	Existing regulations will be incorporated into UK law and continue. Export licenses would now be needed.	Low	

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
		be used for torture or capital punishment.					
3	Trade remedies (23/8)	EU provisions to investigate and remedy unfair trading practices would no longer apply.	No	Yes	A new UK Trade Remedies Authority is being set up. Uncertainty on timescale for this?	Low	
4	Trading with the EU (23/8)	<p>There would be immediate changes to the procedures for trading between the UK and EU and the free circulation of goods would cease.</p> <p>Businesses would have to apply the same procedures as for trade with non-EU countries: customs declarations, customs duty and safety and security declarations by carriers. Excise Movement Control System would no longer be used for goods from/to the EU.</p>	Yes	Yes	<p>Technical notice provides advice to businesses on carrying out scenario planning and suggests this is done now – including communication with trading partners.</p> <p>Businesses will need to register with the EU as an economic operator (further advice to follow), update contracts to define themselves as an importer, consider whether to engage a customs broker or procure relevant software, register with HMRC as an importer and prepare for payment of VAT and duties on excise goods.</p> <p>Government has applied to re-join the Common Transit Convention.</p>	High	
5	Exporting GM food and animal feed products (12/10)	Businesses will need to be established in the EU or EEA or have a representative in those countries if they wish to trade in the EU.			UK procedures on becoming a representative are available on the Food Standards Agency website. Businesses will need to provide details of the representative to the European Commission. This could be a branch of the business which is established in the EU or EEA or another business. The requirement for non-EU country representation would apply to all feed products exported to the EU.		
6	Exporting objects of cultural interest (12/10)	There are no import rules for the UK or the EU, but EU regulation does apply to			In autumn 2018 a Statutory Instrument will be laid that would revoke EU regulations in relation to the cultural objects export licensing system on		

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
		exported objects travelling outside of the EU.			<p>exit day. From that date, you would need only a UK licence to export cultural objects from the UK to any destination, and we will stop issuing EU licences.</p> <p>Those who want to export from the EU to the UK may be required to fulfil further administrative requirements and would be encouraged to consult the licensing authorities in the country of export.</p>		
7	Trading and moving endangered species protected by CITES (12/10)	Species that are currently freely moved and traded between the UK and the EU (those listed in Annexes B - D) would require a CITES permit or import/export notification.			All species controlled under CITES between the UK and the EU would need to follow the same processes as those currently in place for movement between the UK and non-EU countries. Businesses or individuals trading in or moving endangered species outside the UK would need to check the specific requirements with the intended import or export country on the Global CITES website, and either apply to the Animal and Plant Health Agency (APHA) for a CITES permit or request and complete an import notification form.		
8	Maintaining the continuity of waste shipments (12/10)	The EU Waste Shipment Regulation (WSR) implements the provisions of the Basel Convention and the OECD decision into EU law providing a system to control the movement of waste in Europe for energy recovery or recycling.			<p>In regard to waste shipping approvals, Defra is currently contacting EU countries to make arrangements and UK exporters will be provided with more info before Nov 2018.</p> <p>In regard to waste shipments to the EU, the UK will be treated as any other OECD country and would have to apply for a duly reasoned request (DRR) to ship waste to the EU, EU states would be prohibited from shipping waste for disposal to the UK. Recyclable waste would remain the same, whether going from the UK to the EU or vice versa.</p>		

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
9	Existing free trade agreements (12/10)	As a member of the EU, the UK currently participates in around 40 free trade agreements with over 70 countries. These will cease in the event of no deal.			<p>The GOV are seeking to bring into force bilateral UK-third country agreements, these new agreements will replicate existing EU agreements and the same preferential effects with third countries as far as possible. If these deals aren't in place trade would then take place on a 'Most-Favoured Nation' (MFN) basis, which is sometimes referred to as 'World Trade Organization (WTO) Terms'.</p> <p>The Trade Bill contains a reporting requirement stating that the GOV will publish a report before these new free trade agreements are ratified on any significant changes to the new trade-related provisions</p>		
10	Importing high-risk food and animal feed (12/10)	The current regime for importing high-risk food and feed into the UK is regulated by EU legislation.			<p>The UK will begin to decide what is considered to be high risk.</p> <p>In order to react to serious incidents quickly the UK will require all importers of high risk food and feed from the EU to pre-notify them using the new UK import notification system.</p>		
F - Labelling products and making them safe							
1	Appointing nominated persons (13/9)	Companies can appoint nominated persons to carry out legally required functions on their behalf, e.g. submission of technical documents on products to market surveillance authorities, attaching labels to products.	No	Yes (manufacturers)	<p>Nominated persons will no longer be recognised. For a time limited period existing nominated persons based in the EU will be recognised in the UK, but thereafter new nominated persons will have to be based in the UK. Businesses with a representative based in the UK will no longer be able to rely on them for products placed in the EU market.</p> <p>For cosmetics responsible persons in an EU country working for companies wishing to place products in the UK will not be recognised.</p>	High	

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
2	Genetically modified organisms (23/8)	Import/export of GMOs approved in the UK under EU law. Import/export of GMOs part of single market regulations.	No	Yes	No implications on trials as EU law will be incorporated and approval already delegated to the UK and nations. Future import/export with EU would require conformance with EU approvals.	Low	
3	Labelling tobacco goods (14/9)	EU regulations incorporated in UK law on tobacco and e-cigarettes.	Yes (trading standards)	Yes	Regulations will be brought in under the Withdrawal Act to ensure current rules still apply and a UK system can be introduced. However new systems would need to be created by March for approving packaging designs and warnings which would be UK rather than EU based. Consultation on this to be published in September.	Low	
4	Producing and labelling food (24/9)	EU legislation on labelling and composition of a range of food products.	Yes (trading standards)	Yes	Initially legislation will be incorporated and rolled over through the Withdrawal Act, with some secondary legislation to ensure continuity. However labelling will need to change to remove references to EU legislation. Government may also consult on new EU rules to be brought in in 2020. EU addresses of manufacturers or importers would no longer be valid on labels. Govt will amend legislation to enable mineral water regulations to continue, however exporters will need to be prepared to apply to the EU for recognition of their product.	Medium	
5	Organic food (23/8)	EU regulations to certify food products as organic.	Yes (trading standards)	Yes	Intention is to continue with the same regulations and organic control bodies in the UK. Labelling on new stock will have to be modified. Control bodies will have to seek endorsement from the EU in order to approve organic products from the EU. This cannot be done until the UK becomes a third country and takes 9 months, so govt. is seeking an "equivalence agreement" for the duration.	Medium	

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
9	Geographical names of goods (24/9)	Products can be protected from imitation throughout the EU under Geographical Indication (GI) rules – there are 86 currently protected UK products.	Yes (trading standards)	Yes	<p>The UK would adopt its own WTO TRIPS compliant GI scheme and would no longer be required to conform to the EU scheme. EU producers would be able to apply to the UK scheme and all 86 UK GIs would automatically be recognised in the UK scheme. A new logo will be available and companies would need to prepare for its use.</p> <p>Details will be published in early 2019.</p> <p>Producers will need to apply to the EU as a third country for recognition of existing and new GIs across the EU market. However the govt. <i>expects that</i> international agreements will continue to protect the existing 86 GIs.</p>	Low	
10	Chemicals (REACH) 24/9	The UK chemicals industry is regulated through a framework largely based on EU legislation. Importers into the EU must employ an agent within the EU to ensure compliance.			The UK will establish a domestic regulatory framework and build the capacity to undertake functions currently performed by the European Chemicals Agency (ECHA). In the meantime the Health and Safety Executive will perform this role.	High	
6	Trading under mutual recognition principle (13/9)	Mutual recognition principle (MRP) enables trade in goods that are regulated under national rather than EU-wide rules (“non-harmonised goods”). This includes e.g. furniture, textiles, bicycles and cooking utensils.	Yes (trading standards?)	Yes	<p>The UK will no longer fall within the scope of the MRP. Businesses will need to consider the demands of the first EU country in which their non-harmonised goods enter the market (not any countries through which they travel). Goods already in the EU under MRP will be OK. UK importers of non-harmonised goods and EU exporters to the UK will need to take action.</p> <p>Action means ensuring that goods meet the requirements of the nation to which they are exported.</p>	High	

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
7	Trading goods regulated under the "New Approach" (13/9)	<p>EU regulations set out the "essential safety regulations" that must be followed before goods are placed into the EU market. Manufacturers can choose to demonstrate compliance by the adoption of "harmonised standards". In construction materials these are mandatory.</p> <p>The legislation sets out how products can be tested: self-declaration, assessment by an EU accredited body or assessment of a product's design by a notified body.</p> <p>Manufacturers must affix standard labelling and codes are also affixed by notified bodies.</p>	Yes (trading standards?)	Yes	<p>Goods already placed on the UK market will be able to circulate for a time-limited period.</p> <p>Conformity assessments in the UK will no longer be acceptable in the EU market. Goods will have to be re-tested and re-labelled by an EU recognised conformity body.</p> <p>Notified bodies in the UK will be granted a new UK status and listed on a new database to check conformity against UK standards (initially the same as EU).</p>	High	
8	Vehicle type approval (13/9)	<p>Vehicle and part manufacturers must show their products conform to EU safety and environmental standards before placing them on the market. Type approval bodies in each country may appoint technical services providers to test products and parts.</p>	Yes (trading standards?)	Yes	<p>Type approvals would no longer be accepted in the EU or the UK.</p> <p>Manufacturers would need to obtain a UK approval for import to the UK and existing EC approvals would need to be converted. Government plans to issue provisional approvals for 2 years before requiring full conversion to UK approval.</p> <p>For exporters from the UK to the EU new approvals must be obtained under a legislative procedure proposed by the EU in June.</p>	High	

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					Details of both these processes will be set out by the UK and the EU in due course.		
9	Control on mercury (12/10)	The use, disposal, storage and movement of mercury in the UK is currently regulated through a framework based on EU Regulation 2017/852 on mercury.	Yes (trading standards)	Yes	The competent authorities would remain the same as designated under the Control of Mercury (Enforcement) Regulation 1200/2017. In 2017 only a small amount of mercury was brought to the UK from the EU, so there should be little impact on business.	Low	
10	Regulating biocidal products (12/10)	The Biocidal Products Regulation (EU) No 528/2012 (BPR), regulates the EU biocides market.	Yes (trading standards)	Yes	The GOV plan to establish a standalone biocidal products regime. The Health & Safety Executive (HSE) would continue to act as the competent authority for the UK on behalf of the Secretary of State and the devolved administrations, building on its existing capacity and capability.	Medium	
11	Classifying, labelling and packaging chemicals (12/10)	The directly-applicable CLP (Regulation (EC) No 1272/2008) regulation adopts, throughout all EU countries, the UN Globally Harmonised System (GHS) for the classification and labelling of chemicals.	Yes (trading standards)	Yes	The UK will create its own independent chemical regime. At the time of exit, as the UK would effectively adopt the GHS in the same way as the EU, however there will be changes made which are stated in detail on the TN.	Medium	
12	Health marks on meat, fish and dairy products (12/10)	The health or identification mark must be oval in shape and state: 1. that it's produced in the EU 2. the EU country it's from 3. your unique approval number	Yes (trading standards)	Yes	The foods standards agency (FSA) is not planning to change approval numbers, but the health and identification marks will change. The changes are going to be as minimal as possible, the mark will need to meet EU guidelines for a third country health and identification mark. Businesses and local authorities will be informed of the changes after the consultation is complete.	Medium	

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13	Export and import of hazardous chemicals (12/10)	The European Chemicals Agency (ECHA) facilitates the operation of the Export and Import of Hazardous Chemicals Regulation (known as the PIC Regulation) through its ePIC IT system.	Yes (trading standards)	Yes	The GOV will establish a standalone PIC regime, which would initially follow the previous EU standards, however although much of the EU system will continue, there will be changes which are outlined in the TN.	Medium	
G - Meeting business regulations							
1	Accessing public sector contracts (13/9)	Regulations require public contracts above a threshold to be advertised through EU-wide systems.	Yes	Yes	Government will change the procurement regulations through amendments to existing legislation and create a replacement notification system for the UK market. The UK will also accede to the WTO regulations on public procurement in its own right in due course.	Medium	
2	Broadcasting and video on demand (13/9)	The Audio Visual Media Services Directive (AVMSD) regulates broadcasting across the EU to countries beyond a broadcaster's country of origin.	No	Yes	The UK is also a signatory to the Council Of Europe Convention on Transfrontier Television (ECTT) which will still operate after Brexit and applies in 21 of the EU nations. However the position post Brexit is not yet fully clear and companies are advised to check their individual licensing situation in relation to all the countries where their product is available.	Low	
5	Copyright (24/9)	International treaties on copyright will continue regardless of EU membership, but there is also a body of EU law on copyright.	No	Yes	<p>EU directives and regulations will continue to apply as they will be incorporated in UK law, with adjustments.</p> <p>However, EU cross-border mechanisms will cease to apply and the UK will be treated as a third country. These cover database rights, portability of online content, satellite broadcasts, online rights to musical works and the "orphan works copyright exception" (works of art online).</p> <p>Trans-border transmission of accessible format copies of copyright works – the UK will not have</p>	Medium	

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					ratified the Marrakesh Treaty before exit so there will be a gap in legal coverage.		
6	Exhaustion of intellectual property rights (24/9)	The UK is currently part of the EEA exhaustion scheme which means that IP rights are exhausted once the property is placed into the market in member countries with the right holder's permission.	No	Yes	Government will continue to recognise this scheme for a temporary period. However, companies are advised to check with their rights holders and seek legal advice in the case of "parallel imports" of goods from the UK to the EEA (these are goods that are non-counterfeit but produced after IP rights have been exhausted). Government is considering the best way to revise the regime after the temporary period.	Medium	
3	Merger review and anti-competitive activity (13/9)	Competition and mergers regulation for companies trading across the EU and the UK currently operates at an EU level and uses the EU courts.	No	Yes	The UK regulation system will continue as at present, but there will need to be parallel processes for both approval and for public complaints where companies operate across Europe.	Low	
7	Patents (24/9)	Only a few areas of UK patent law derive from the EU. These include extended protection for certain products after patent expiry, biotechnological inventions, export of medicines to countries with a public health need and trials of pharmaceuticals.	No	Yes	Existing EU law will be incorporated into the UK system, so that protections continue as now.	Low	
8	Trade Marks and designs (24/9)	Trademarks and registered community designs are covered by EU intellectual copyright law.	No	Yes	Government will ensure that equivalent trademarks or designs are available within the UK. Companies with outstanding applications will have nine months from Brexit to re-apply to the UK system. Government will work with the World Intellectual Property Organisation to ensure continued protection under the Madrid	Medium	

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					and Hague systems. Existing EU trade marks will be replaced with a UK equivalent with “minimal administrative burden”. Businesses are also advised to seek legal advice.		
4	Telecoms businesses (13/9)	The EU common regulatory framework for telecoms has been incorporated into UK law. The European Electronic Communications Code (EECC) is expected to be passed in Autumn 2018 and implemented in 2020.	No	Yes	Government will amend the existing legislation to remove references to EU institutions and processes etc. The Government would be minded to implement most of the provisions of the EECC as it comes into force.	Low	
9	Accounting and auditing (12/10)	UK accounting, corporate reporting and auditing firms currently follow EU rules and regulation, reflected in the UK through the Companies Act 2006 and regulations made under that Act.	No	Yes	The GOV will continue to apply the current laws and rules in place as much as possible, only changing the deficiencies that are caused by the UK's exit from the EU. The GOV is working with devolved governments to ensure future company law regime works across the UK.	Low	
10	Providing Services including those of a qualified professional (12/10)	UK nationals will no longer be able to use the Mutual Recognition of Professional Qualifications (MRPQ) Directive. This will also apply to the Lawyers' Services Directive and Lawyers' Establishment Directive. Service regulations will fall under WTO rules.	No	Yes	In regard to the MRPQ Directive, the GOV will ensure that EEA nationals will be able to seek recognition for their qualifications. Those with recognition already granted will not be affected, those who have applied and are waiting for recognition should be able to continue in line with the MRPQ. The EU Commission has stated that UK nationals seeking recognition before exit day will be unaffected but those seeking to provide services after exit day should check the host states national policies. In regard to service regulations, the GOV will ensure that businesses will not be subject to disproportionate or burdensome regulation, and	Medium	

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					businesses and consumer rights are protected by the UK Competent Authorities.		
11	Structuring your business (12/10)	The UK currently follows the EU rules and regulations that fall under the area of company law, which set out how companies and other legal entities operate within the Single Market, how they register and how they operate across country borders in the EU.	No	Yes	<p>The GOV will ensure that the UK continues to have a functioning regulatory framework for companies and that, as far as possible, the same laws and rules that are currently in place continue to apply.</p> <p>UK companies with branches within the EU will see rule changes as they would be treated as any other third country company. UK citizens may face restrictions on their ability to own, manage or direct a company registered in the EU, and UK investors in EU businesses may be restricted on the amount of equity that they can hold.</p>	Low	
H - Money and tax							
1	Financial services (23/8)	The majority of UK financial services legislation currently derives from EU law. Financial market is highly integrated and “passporting” enables conduct of business across borders. Some UK businesses are currently regulated by EU agencies – e.g. credit rating companies.	No	Yes	<p>The UK would be outside the EU framework.</p> <p>The UK intends to introduce a Temporary Permissions Regime (TPR) for three years to enable continued passporting of EU companies in the UK. Draft legislation on the TPR has been published and the Financial Conduct Authority has published its proposed approach to regulating it. Further legislation will also be brought forward and functions of EU bodies will be moved to the UK. These provisions will ensure that business and individual customers of banks from the UK or the EU will continue to receive services for three years.</p> <p>If there is no action by the EU, access to UK services abroad would cease and UK firms will lose their passporting rights.</p>	Medium	

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					Discussions are underway between the Bank of England and the European Central Bank about risk management and EU wide legislation.		
2	VAT for businesses (23/8)	EU rules determine when VAT is chargeable on imported goods and where it should be charged.	No	Yes	<p>The UK would introduce “postponed accounting” for VAT chargeable on goods imported to the UK from the EU. This will also be applied to imports from outside the EU.</p> <p>A new digital system for charging VAT on parcels coming into the UK will be put in place and EU companies will need to register with this.</p> <p>The NOVA system for imported vehicles will continue to operate and VAT would now be chargeable on vehicles from the EU.</p> <p>The EU would treat the UK as a third country for VAT purposes. Businesses exporting to the EU will be able to zero rate goods and VAT would be charged in the country of arrival. Businesses should check with the country of arrival on their local processes.</p>	Medium	
J - Personal data and consumer rights							
1	Data protection (13/9)	Currently the rules that govern the collection and use of data are set at EU level by the General Data Protection Regulation (GDPR). Under GDPR rules organisations are only permitted to transfer data outside the EU if permitted to do so.	Yes	Yes	<p>Data is governed at UK level by the Data Protection Act and the UK aims to incorporate the GDPR into UK law under the EU Withdrawal Act.</p> <p>The EU has stated that if it deems the UK's level of personal data protection equal to its own then it will make an adequacy decision and allow personal data to be transferred. However the European Commission has declared that it will</p>	Low	

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					not make this decision until the UK has become a third country. The Information Commissioner will remain the UK's independent supervisory authority on data protection and the UK will continue to push for close cooperation between the Commissioner and the EU.		
2	Geo-blocking of online content (12/10)	Geo-blocking regulation will take effect on the 3 rd December 2018, prohibiting a variety of practices	No	Yes	The UK version will cease to exist, but UK companies working in the EU will still be regulated along with all other non-EU businesses selling goods and services into the single market. After the repeal of EU geo-blocking regulations companies will be able to discriminate against customers, for example, a UK trader would be able to offer different terms to a UK customer compared to a French customer.	Low	
3	Consumer Rights (12/10)	Changes to 1. consumer protection and cross-border protection 2. alternative dispute resolution and online dispute resolution; 3. package travel 4. timeshare 5. textile labelling 6. footwear labelling	No	Yes	The govt. are working to ensure that consumer protections that are currently enjoyed remain in place after exit. There will be slight changes but the govt, in conjunction with the withdrawal bill, aim to make sure that there is as little disruption as possible.	Medium	
K - Protecting the environment							
1	Industrial emissions (13/9)	The EU sets industrial emissions law through the Industrial Emissions Directive (IED) and necessitates that larger industrial facilities use Best	Yes	Yes	The EU Withdrawal Act will ensure the implementation of the existing EU environmental law, including the IED and BAT Conclusion Implementing Decision made under it.	Medium	

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		Available Techniques (BAT).			<p>The European Commission control the power of the Sevilla process, where the BAT conclusions are formulated. In the event of a no deal, Britain would no longer partake in the Sevilla process.</p> <p>The government and the devolved administrations will begin to develop UK BAT Conclusions. The Clean Air Strategy consultation for England will seek views from industry and interested parties to help shape the BAT regime.</p>		
2	CO2 Emissions for new cars (13/9)	Emissions from new passenger vehicles and light commercial vehicles are restricted by regulations (EC) 443/2009 and (EU) 510/2011.	No	Yes	<p>The regulations will be brought under UK legislation and the DfT will lay a statutory instrument to correct any deficiencies.</p> <p>The UK will continue to maintain regulations that are as ambitious as the current arrangements.</p> <p>The DfT will take over from the role European Commission was playing in the enforcement of CO2 standards for registered UK cars and vans.</p>	High	
3	Environmental standards (13/9)	EU environmental law currently covers areas including air quality, wastes and resources, water, wildlife and habitats, chemicals and pesticides.	Yes	Yes	<p>There is already large body of environmental legislation which covers the UK and the EU Withdrawal Act 2018 will ensure that all EU environmental law continues to as UK law.</p> <p>On 18 July 2018, the UK Government announced the first Environment Bill for more than 20 years, building on the vision set out in the 25 Year Environment Plan to achieve 'Green Brexit'.</p> <p>The government will establish a new statutory body to hold government to account on environmental standards but there is an understanding that interim measures may be needed in a no deal scenario.</p>	High	

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4	Fluorinated gases and ozone (13/9)	Currently the EU Ozone Depleting Substances Regulation (1005/2009) restricts the use of F Gas which damages the ozone layer.	Yes	Yes	<p>Even in the event of a no deal the UK will continue to maintain the F Gas regulations, and fulfil its legal obligations under the Montreal Protocol.</p> <p>The UK would continue using the same quota method and schedule to phase down HFCs by 79% against 2009-12 levels by 2030.</p> <p>To determine the quantities for each company, the EA and Defra have written to EU quota holders asking for the quantity of HFCs they placed on the UK market in 2015, 2016 and 2017.</p>	Medium	
5	Meeting climate change requirements (12/10)	The UK will be excluded from the EU Emissions Trading System and will not have guaranteed access to the Consolidated System of European Registries which includes the EU Emissions Trading System Union Registry and the UK's Kyoto Protocol National Registry.	No?	Yes	<p>The govt. took steps to provide certainty to UK operators in meeting their compliance obligations for the 2018 compliance year and brought the compliance year forward to before the exit day on the 29th March. The GOV intends to maintain Monitoring, Reporting and Verification arrangements to ensure continuing transparency over Greenhouse Gas emissions.</p> <p>Operators and traders with EU Emissions Trading System allowances in their account in the UK section of the Registry should plan for a loss of registry access and consider taking action to manage the risk of this happening.</p> <p>The UK may not be able to the ability to provide administrative support to holders of accounts in the UK Kyoto Protocol National Registry, and will publish advice on this at the end of the year.</p>	Medium	

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L - Regulating energy							
1	Civil nuclear (23/8)	The EU Commission implement all of the nuclear safeguards for the UK.	No	No	<p>The UK passed legislation so the Office for Nuclear Regulation (ONR) oversees domestic safeguards instead of Euratom, and has signed international agreements with the International Atomic Energy Agency (IAEA) to replace the existing trilateral agreements.</p> <p>All operators in the UK civil nuclear sector will need to comply with the new domestic safeguards regime as it applies to them.</p> <p>In regard to special fissile material, if the UK leave without a deal then Euroatom ownership of such material in the UK will end.</p>	Low	
2	Nuclear research (23/8)	Britain will leave Euroatom, no longer be a member of Fusion for Energy and be excluded from the International Thermonuclear Experimental Reactor project.	No	Yes	<p>The UK Government has confirmed it will guarantee funding for successful bids until the end of 2020 for UK organisations who successfully bid to the EU for competitive grants.</p> <p>Internationally, the UK is on track to have bilateral Nuclear Cooperation Agreements in place with key partners ahead of March 2019.</p> <p>Plus, the UK government is willing to discuss with International Thermonuclear Experimental Reactor opportunities for UK researchers, as in the event of no deal this project would not be open to the UK.</p> <p>The government intends to implement a similar process to that being used for Horizon 2020 to ensure beneficiaries of Euratom Research & Training grants continue to receive payments.</p>	Low	

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3	Oil and gas businesses (13/9)	<p>Hydrocarbon licensing no issue as UK regulated.</p> <p>The International Energy Agency (IEA) and the EU Oil Stocking Directive 2009 /119/EC ('the Directive') ensure that the UK maintains emergency oil stocks, these stocks can be held in the EU on the UK's behalf and the UK can hold stocks for other members.</p>	No	Yes	<p>Hydrocarbon licensing will continue as before, and UK and EU businesses will not need to take any action.</p> <p>In regard to oil, the UK will continue as a member of the IEA but the requirements of the directive will no longer apply. UK oil stocks will reduce by moving from the EU's higher (consumption-based) level, but the UK will still be able to take part in collective actions.</p> <p>EU traded tickets held by UK companies may not operate as they do now, and companies will lose the ability to access the EU market for tickets. Plus there will be changes for companies holding stocks for other countries.</p> <p>BEIS will contact individual companies directly regarding this technical notice.</p>	Low	
4	Trading Gas 12/10	<p>The UK has gas interconnectors (direct pipelines) with Ireland, the Netherlands, and Belgium.</p> <p>EU energy law will no longer apply to the UK and the UK will no longer participate in EU organisations that support the implementation of these laws.</p>			<p>In a 'no deal' scenario, the mechanisms of cross-border trade are not expected to fundamentally change.</p> <p>In the UK, there are no planned changes to either trading arrangements or the approval processes or requirements for access rules. However, interconnector operators should engage with the relevant EU national regulators (in Ireland, the Netherlands, or Belgium) in good time ahead of the UK's exit.</p> <p>Businesses/interconnectors will have to take on the responsibility of contingency planning for 'no-deal', some of the possible steps are outlined in the TN.</p>	Medium	
5	Trading Electricity 12/10	Significant flows of electricity take place across			The govt. and Ofgem are working with interconnectors to ensure new access rules are	Medium	

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		borders between GB, EU UK and NI, which are regulated by EU legislation.			<p>approved in Great Britain and are providing support to interconnectors engaging with EU Member State authorities. The majority of the existing Regulation on Energy Market Integrity and Transparency regime will be maintained domestically with minimal changes.</p> <p>Businesses/interconnectors will have to take on the responsibility of contingency planning for 'no-deal', some of the possible steps are outlined in the TN.</p>		
M - Regulating medicines and medical equipment							
1	Batch testing (14/9)	The UK will no longer be part of the European Medicines agency, meaning that human medicines will need far greater checks and regulations upon entering and being sold in the UK.	No	Yes	<p>The UK desires to ensure that products only need to undergo one series of approvals in one country.</p> <p>The UK will continue to accept batch testing of human medicines carried out in countries named on a list set out by the Medicines and Healthcare products Regulatory Agency.</p> <p>A similar scheme to what was experienced prior to EU exit will followed but the government has stated that it will consider changes if needed and will work with industry to aid supply chain and manufacturing issues throughout the transition.</p>	Medium	
2	Blood and blood products (23/8, 14/9)	The UK transposed quality and safety standards for blood supply in 2005 from the EU Directive 2002/98/EC.	No	Yes	The UK government has stated that blood and blood components from the UK will continue to follow the EU Directives.	Low	
3	Medicines, medical devices and clinical trials (14/9)	Medicines and medical devices are regulated by the EU, but clinical trials are managed nationally by the	No	Yes	The Withdrawal Act will ensure existing EU rules are converted in UK law. The (MHRA) would take on the functions currently undertaken by the EU for medicines on the UK market.	Medium	

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		Medicines and Healthcare products Regulatory Agency (MHRA).			<p>In regard to medical devices, the UK will recognise medical devices approved for the EU market and CE-marked, and comply with Medical Devices Regulation (MDR) and the in vitro diagnostic Regulations (IVDR), which will apply in the EU from May 2020 and 2022 respectively.</p> <p>The new EU Clinical Trials Regulation (CTR) 536/2014 will not be in force in the EU when the UK exits and so will not be incorporated into UK law on Exit day under the terms of EUWA.</p>		
4	Organs, tissues and cells (14/9)	The UK's regulatory framework for organs for transplantation, and tissues and cells for human use, including reproductive cells, is standardised by the EU. Plus, currently some organs, tissues and cells do move around the EU.	No	Yes	<p>The UK already applies the EU directives so the safety standards would not change.</p> <p>Hospitals, stem cell laboratories, tissue banks and fertility clinics would continue to work to the same quality and safety standards as they did before exit but some would need new written agreements with relevant EU establishments. Establishments that hold agreements with third countries will be able to use the template for future agreements with EU states. The UK already meets the EU's standards so agreements should be straightforwardly negotiated.</p>	Medium	
5	Regulatory information (14/9)	The UK are part of a large system of EU regulatory networks for medicines and medical devices.	No	Yes	<p>The UK would have its own processes and systems to manage human medicines and devices regulatory activities. To do this, new systems are being developed for March 2019.</p> <p>MHRA stakeholders should contact the GOV and if necessary (separately) the EU directly to submit regulatory information.</p>	Medium	

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					The GOV will provide communications and guidance on the new processes and systems ahead of March 2019, so that you are able to use them from day one.		
6	Trading in drug precursors (13/9)	UK traders currently trade in drug precursors freely with EU countries.	No	Yes	<p>The UK is transposing the relevant EU regulation into UK law, to enable the drug precursor chemicals regulatory system to operate.</p> <p>The same licences will be needed to trade with the EU as non-EU countries.</p> <p>Traders would need to apply for a registration from the Home Office.</p>	Medium	
N - Satellites and space							
1	Satellites and space programmes (13/9)	The UK will not be able to participate in the development of the Galileo, Copernicus or Space Surveillance and Tracking programmes	No	Yes	<p>Galileo: the majority of position, navigation and timing services provided by Galileo and European Geostationary Navigation Overlay will continue to be freely available to all UK based users. Plus, the govt. will invest £92 million from the Brexit readiness fund on an 18-month programme to design a UK Global Navigation Satellite System.</p> <p>Copernicus: the data produced will still be available to UK users. Yet businesses may want to consider the impact of losing any data not sourced under the free and open data policy.</p> <p>Space Surveillance and Tracking: The UK will continue to receive space, surveillance and tracking data from the USA.</p>	Medium	
R - Studying in the UK or EU							
1	Erasmus+ (23/8)	The UK is a net contributor to the programme and is	No	Yes - Universities	The govt. has committed to the project until the end of the current contract in 2020, and is seeking an agreement to extend.	Low	

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		the third most popular destination.			If an agreement cannot be reached then the govt. will seek to make bilateral agreements with member states and key institutions.		
S - Travelling between the UK and EU							
1	Mobile roaming (13/9)	Travel in the EU is guaranteed with surcharge-free roaming. EU Roaming regulation requires operators to apply a default limit for mobile data usage of €50. Operators are also required to send an alert once a device reaches 80% and then 100% of the agreed data roaming limit.	No	Yes	<p>EU operators would be able to charge UK operators would no longer be regulated.</p> <p>The GOV would legislate to ensure EU Roaming regulation is retained in UK law.</p> <p>The availability and pricing of mobile roaming in the EU would be a commercial question for the mobile operators, and 3, EE, O2 and Vodafone- which cover 85% of mobile subscribers have said they have no current plans to change approach. Yet the GOV does recommend consumers check with mobile operators before going abroad.</p>	Low	
2	Common Travel Area (13/9)	British and Irish citizens are able to travel freely within the Common Travel Area (CTA), and enjoy associated rights such as employment, healthcare, education, social benefits, as well as the right to vote in certain elections.	No	Yes	<p>Irish citizens will still be able to enter the UK freely. There would be no practical changes to the UK's approach to immigration on journeys within the CTA: as now there would be no routine immigration controls on journeys from within the CTA to the UK.</p> <p>Non-Irish or British citizen will be required to continue to meet relevant domestic entry clearance requirements as set out in the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended).</p>	Medium	
3	UK Passport (13/9)	British citizens currently enjoy no checks once in the Schengen area, but will be treated as third country citizens after exit.	No	No	Third Country passports must be have been issued within the last 10 years on the date of arrival in a Schengen country, and have at least 3 months' validity remaining on the date of	Low	

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					intended departure from the last country visited in the Schengen area. Passports will stop including the European Union after March 2019 and the Blue passports will be issued late 2019.		
T - Workplace rights							
1	Workplace rights (23/8)	EU law covers a variety of workplace rights and protections.	Yes	Yes	The Withdrawal Bill will bring across the powers from the EU directives, but UK workplace already exceeds EU required levels of employment protections and the GOV will make amendments to the language of workplace legislation to ensure the existing regulations reflect the UK is no longer an EU country. With regards to European Works Councils, in a 'no deal' scenario, the government will ensure the enforcement framework, rights and protections for employees in the UK European Works Councils continue to be available.	Medium	
Not yet addressed: immigration and non-UK EU citizen rights							
Key issues for local government (LGA briefing)							
1		Laws regulating local govt services – waste management, trading standards, environment, procurement	Yes	Yes	Withdrawal Act prevents legal cliff edge SIs need to be in place by March to pass regulatory powers to UK agencies See technical notes F, G1, K, Q	High	
2		New constitutional settlement. Argument for a reform to devolve powers to local govt and protect LG status in EU law [nations have their own provisions in the Withdrawal Act]	Yes	No		Low	
3		EU funding	Yes	Yes	See technical notices A	High	

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4		Workforce – clarity needed on settled status of non-UK EU nationals – key parts of workforce such as social care.	Yes	Yes – key sectors needs to be identified (construction, hotels and catering, social care, health etc.)	Need clarification of future policy, including immigration policy (white paper awaited). Not so far covered in TNs Analysis for the Brexit Commission: Non-UK EU nationality social care workers in the WMs: Residential and nursing homes 3,500 4.9% Domiciliary care 2,100 3.7% Day centres 50 1.9% Community care 250 2.1% Local authority workers 150 1.3% Independent sector 5,700 4.4% Managerial roles 150 1.6% Social workers 25 1.4% Registered nurses 475 10.0% Other 10 1.4% Direct care providers 4,600 4.4%	High	
5		Delivery of LG services and benefits	Yes	No	Clarity needed on provision of services and benefits to non-UK EU citizens. Not so far covered in TNs	High	
6		Ports, public health and local regulation – inspections at airport and access to intelligence by local trading standards and EH services. Quantity of additional checks and certification unknown – resource implications.	Yes	Yes	Some coverage in TNs E and F above.	High	
7		Goods and services – new tariffs on goods and services purchased by councils would increase costs.	Yes	Yes	TN E4 gives advice to organisations about renegotiating contracts and other steps to take. Councils need to implement urgent steps in the event of no deal.	High	

No	Government Technical Notice	Issue	Rel. to LG	Rel. to WMs	Government response/assessments	Priority	Traffic light
					Will also apply to costs of private firms.		
8		Local elections 2019 – voting and standing rights need to be clarified	Yes	No	Not yet covered.	Medium	
9		Local impact – Place Based technical notes.	Yes	Yes	Not yet produced.	Low	

CITY COUNCIL

15 JANUARY 2019

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

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

A. Councillors Morriam Jan and Baber Baz have given notice of the following Notice of Motion:-

"This Council notes with concern the increase in violent injuries arising from assaults in the city - including a reported increase of nearly 20% in cases of knife crime in the West Midlands.

Council also notes that low-cost bleed control first aid kits can help save lives, especially when used by trained bystanders.

Council supports efforts to improve access to first aid, and knowledge of first aid, and commends the work of the Daniel Baird Foundation in seeking to raise awareness of life-saving bleed control techniques.

It also commends and supports the pilot project in Lozells to be undertaken by the Foundation with local traders.

Council requests that the Licensing and Public Protection Committee investigate the feasibility of making provision of first aid for bleed control, and provision of staff training, a condition of licences for licensed premises.

It further requests that the Cabinet Member for Education, Schools and Culture encourages schools and colleges to ensure they have appropriate first aid facilities, and staff able to apply first aid, in the event of major injury, together with encouraging the teaching of this aspect of first aid in PSHE (personal, social, health education) classes.

This should be done as part of broader awareness and prevention work with schools and colleges about the dangers of carrying knives and becoming involved with violent culture.

Council expects the Chair of Licensing and Public Protection and the Cabinet Member for Education, Schools and Culture to report back to Council on their response to this and on the actions that will be undertaken."

B. Councillors Tristan Chatfield and Sharon Thompson have given notice of the following Notice of Motion:-

“Birmingham has a long proud history of welcoming new arrivals from across the world, making this a vibrant and incredibly diverse city that is home to people who can trace their roots back to virtually every country in the world.

Our migrant communities are the very heart of the Birmingham’s cultural identity, contributing a huge amount to the city - none more so than the African Caribbean community.

Over 60,000, or nearly 7 per cent, of the city’s population is of African Caribbean heritage and many of those were part of the Windrush generation.

Birmingham City Council expresses dismay at the ‘hostile environment’ initiated by Prime Minister Theresa May in her time as Home Secretary and at the financial and emotional impact this has had on the Windrush generation and their families, including children and grandchildren.

Birmingham City Council resolves to:

- Call on the Government to end to all ‘hostile environment’ policy measures, stating opposition to the criminalisation of Windrush families
- Call on the Government to enable the Windrush generation to acquire British citizenship at no cost and with proactive assistance throughout the process.
- Welcome the Government’s announcement to make 22 June each year an annual celebration to recognise and honour the enormous contribution of those who arrived between 1948 and 1973.
- Press the Prime Minister to call for an independent public enquiry into the Windrush scandal.
- Demand the Government provides advice and support to all Birmingham residents of the Windrush generation (and compensation for all losses, injury and damages to date where necessary).
- Review our existing migration work to ensure we support those affected.
- Support the call for fees for naturalisation to be waived for all those who have been affected.”

C. Councillors Deirdre Alden and Robert Alden have given notice of the following Notice of Motion:-

“This Council believes that there is an overwhelming public interest in full transparency around the ACAS ‘deal’ done with the GMB Union for a ‘failure to consult’ over the agreement with the Unite Union to settle the 2017 waste collection strike.

Further this Council also believes that this issue highlights the inherent problems with the Executive’s excessive use of delegated decision making which serves to obscure proper transparent and accountable decision making.

The Council therefore calls on the Executive to place into the public domain all documents relating to the GMB payment including, but not limited to:

- A copy of the ACAS deal itself
- Copies of all delegated decision reports
- Copies of any briefings or correspondence with any cabinet member, previous or current, regarding the deal
- Copies of any correspondence between the Council and GMB in the run up to and after the Unite settlement regarding the proposed settlement and any objections GMB had to that
- Copies of any correspondence concerning the decision to exclude GMB from talks after the Unite settlement
- Copies of minutes from all meetings between the Council and any Union concerning implementation of the Nov 2017 settlement
- Full details of all costs involved, including the total payment itself and any legal costs
- Copies of any correspondence regarding how and why the deal should be kept secret and not included in usual processes such as the requirement to publish all spend over £500

The Council also calls for an immediate review into the use of delegated powers within the constitution, including comparisons with other local authorities and open discussions with all non-executive councillors. This should look at both the total levels of delegations as well as whether certain types of payment should be excluded. A full report detailing this work should be reported back to Full Council alongside the annual review of the constitution at the AGM. In the meantime the Council also calls on the Executive to publish all delegated decisions (including associated reports) on the council’s website at least monthly.”

