



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 5 FEBRUARY 2019 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Yvonne Mosquito) in the Chair.

Councillors

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

NOTICE OF RECORDING

19152 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where there are confidential or exempt items.

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

The Lord Mayor indicated that those Members who wished to speak should press their microphone button once and be patient whilst the operator switched the microphone on.

DECLARATIONS OF INTERESTS

19153 The Lord Mayor reminded members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting.

MINUTES

It was moved by the Lord Mayor, seconded and –

19154 **RESOLVED:-**

That the Minutes of the meeting held on 15 January 2019, having been circulated to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

Death of Freeman of the City and Former MP Sir Reginald Eyre

The Lord Mayor indicated that her only announcement today was a sad one as she informed the Chamber of the death of Freeman of the City and former MP Sir Reginald Eyre.

The Lord Mayor continued that Sir Reginald Eyre was a Member of Parliament for the Hall Green Constituency for 22 years from May 1965 to June 1987, and became an Honorary Freeman of the City on 23 February 1991.

His Parliamentary career included appointments as Under-Secretary for:

- the Department of Transport
- Department of Trade and
- the Department of Environment

City Council – 5 February 2019

Sir Reginald leaves behind his wife Lady Anne Eyre, daughter Hermione, and son-in-law Alex Burghart MP.

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

19155 **RESOLVED:-**

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

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

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 Lord Mayor, seconded and -

19156 **RESOLVED:-**

That the petition 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 Lord Mayor, seconded and -

19157 **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 Lord Mayor, seconded and -

19158 **RESOLVED:-**

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

LEADER'S ANNOUNCEMENT OF A NEW CABINET MEMBER

19159 The Leader, Councillor Ian Ward confirmed changes to his Cabinet as follows:

Cabinet Member for Clean Streets, Waste and Recycling	Councillor Brett O'Reilly
Cabinet Member for Finance and Resources	Councillor Tristan Chatfield
Cabinet Member for Social Inclusion, Community Safety and Equalities	Councillor John Cotton

QUESTION TIME

19160 The Council proceeded to consider Oral Questions in accordance with Standing Order 10.3.

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

APPOINTMENTS BY THE COUNCIL

19161 There were no appointments.

EXEMPTION FROM STANDING ORDERS

It was moved by Councillor Martin Straker Welds, seconded and

19162

RESOLVED:-

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

- Allocate 30 Minutes for item 10 (Devolution in The West Midlands – Update and Future Prospects)
 - Allocate 45 minutes for item 11 (Birmingham Youth Justice Strategic Plan 2018/19)
-

DEVOLUTION IN THE WEST MIDLANDS – UPDATE AND FUTURE PROSPECTS

The following paper was submitted:-

(See document No. 4)

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

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

(See document No. 5)

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

In accordance with Council Standing Orders, Councillors Robert Alden and Suzanne Webb gave notice of the following amendment to the Motion:-

(See document No. 6)

Councillor Robert Alden moved the amendment which was seconded by Councillor Suzanne Webb.

A debate ensued.

The Leader, Councillor Ian Ward responded to the debate.

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

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

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

It was therefore-

19163

RESOLVED:-

This Council:

- Notes and welcomes the progress on devolution in the West Midlands since the first devolution agreement of November 2015, including the second devolution agreement of November 2017 and the subsequent deals on skills and housing.
- Notes the paper from the Leader of the Council attached.
- Supports the current work of the Combined Authority and its member authorities to secure further devolution, including through the Spending Review 2019.
- Believes that the UK needs stronger, more resilient cities and city regions and a more balanced economy if it is to prosper in the years ahead, and that this requires greater devolution and more sustainable public services. The popular desire to “take back control” must mean more powers for our city regions, cities and communities.
- Calls upon the Government, the Combined Authority and the Mayor of the West Midlands and the City Council’s Executive to adopt a “double devolution” policy, identifying opportunities for further devolution and flexibilities at the local authority level and below, and recognising the role of local authorities and their services in the delivery of a stronger economy and a fairer society. This should include ensuring that powers taken back from the EU after Brexit are devolved to the most local level that makes sense.
- Calls upon the Government to renew its commitment to devolution and use the 2019 Spending Review to set out a bolder and more coherent approach which can provide for sustainable local government funding, locally controlled economic investment and joined up public services and which can restore civic pride to our great cities.

This Council welcomes and supports the work of Mayor Andy Street and the Combined Authority, as part of the West Midlands Local Industrial Strategy to make sure that Birmingham and the West Midlands remain the heart of the car industry, including:

- Setting up the Jaguar Land Rover Development Partnership to make sure that the workers and company get the support they need
- Helping car companies and supply chains across the West Midlands make the move to making electric vehicles, like winning £80M from Government for the new UK Battery Industrialisation Centre in the region
- Giving young people the technical skills they need to work in the car industry by creating more apprenticeships
- Working with senior executives from car companies around the world to move new jobs to the West Midlands

This Council believes that such work shows the value of regional cooperation and of an Elected Mayor able to work constructively with Central Government and local businesses to deliver for the people of Birmingham and the West Midlands.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

19164

RESOLVED:-

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

The Council then adjourned at 1626 hours.

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

BIRMINGHAM YOUTH JUSTICE STRATEGIC PLAN 2018/19

The following joint report of the Cabinet Member for Children's Wellbeing and Cabinet Member for Social Inclusion, Community Safety and Equalities was submitted:-

(See document No. 7)

Councillor Kate Booth moved the motion which was seconded.

In accordance with Council Standing Orders, Councillors Matt Bennett and Peter Fowler gave notice of the following amendment to the Motion:-

(See document No. 8)

Councillor Matt Bennett moved the amendment, during which he noted that he wished to change the date to June, which was seconded by Councillor Peter Fowler.

A debate ensued.

Councillor Kate Booth replied to the debate indicating the amendment with a June date was acceptable.

The amendment as amended 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-

19165

RESOLVED:-

That Council adopts the Youth Justice Strategic Plan 2018/19, taking into account the financial implications and the priority actions identified.

This Council asks the Executive to bring forward the 19/20 youth justice plan to Council in June 2019 for adoption.

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 Gary Sambrook and Meirion Jenkins have given notice of the following motion.

(See document No. 9)

Councillor Gary Sambrook moved the Motion, which was seconded by Councillor Meirion Jenkins.

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

(See document No. 10)

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

In accordance with Council Standing Orders, Councillors Ewan Mackey and Ron Storer gave notice of the following amendment to the Motion:-

(See document No. 11)

Councillor Ewan Mackey moved the amendment which was seconded by Councillor Ron Storer.

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

(See document No. 12)

Councillor Karen McCarthy moved the amendment which was seconded by Councillor Lucy Seymour-Smith.

A debate ensued.

Councillor Gary Sambrook replied to the debate.

City Council – 5 February 2019

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

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

(See document No. 13)

The total results referred to in the interleave read:-

Yes – 32 (For the amendment)
No – 44 (Against the amendment)
Abstain – 0 (Abstentions)

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

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

(See document No. 14)

N.B. The documents have been amended to show that Councillor Gurdial Singh Atwal voted against the amendment.

The total results referred to in the interleave read:-

Yes – 31 (For the amendment)
No – 42 (Against the amendment)
Abstain – 0 (Abstentions)

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

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

(See document No. 15)

The total results referred to in the interleave read:-

Yes – 45 (For the amendment)
No – 32 (Against the amendment)
Abstain – 0 (Abstentions)

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

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

(See document No. 16)

The total results referred to in the interleave read:-

Yes – 45 (For the Motion)

No – 32 (Against the Motion)

Abstain – 0 (Abstentions)

It was therefore-

19166

RESOLVED:-

This Council believes that public open space and parkland is vital to the physical and mental health of residents, to protecting the environment and to improving air quality.

Further, this Council notes that policies in the Birmingham Development Plan (BDP) aim to protect open space, playing fields and allotments and state that planning permission will not normally be granted for development except where:

- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.
- The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
- Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
- The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.

This Council notes that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 ha per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size.

This Council further notes that the city's spatial growth strategy (the adopted BDP) is predominantly brownfield led and that 80% of the new homes provided will be on previously developed land. The majority of the remainder (around 6,000 new homes) will be built on Langley Sustainable Urban Extension.

This Council also calls on the Executive to listen to the residents and users of Burford Road Playing Fields and Dugdale Crescent and balance any

concerns against the wider interests of the city and Birmingham's growing population.

B. Councillor Roger Harmer and Jon Hunt have given notice of the following motion.

(See document No. 17)

The Lord Mayor advised that the Proposer and Seconder wished to swap so she called upon Councillor Jon Hunt to move the Motion which was seconded by Councillor Roger Harmer.

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

(See document No. 18)

Councillor Deirdre Alden moved the amendment which was seconded by Councillor Timothy Huxtable.

In accordance with Council Standing Orders, Councillors Brett O'Reilly and Ian Ward gave notice of the following amendment to the Motion:-

(See document No. 19)

Councillor Brett O'Reilly moved the amendment which was seconded by Councillor Ian Ward.

A debate ensued.

Councillor Jon Hunt replied to the debate.

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

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

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

It was therefore-

19167

RESOLVED:-

This Council regrets the return of disruptive industrial action in the waste collection services and the detrimental impact on the residents of the city.

Council believes that the service in its present form can operate successfully if all parties work to implement the MOU agreed in November 2017.

Council further notes:

- The long delay in implementing the agreement (Memorandum of Understanding) reached after the 2017 strike;
- That once the MOU was implemented in September 2018, it showed that it is possible to deliver a bin service that is efficient and of good quality. In autumn 2018 performance was steadily improving on a weekly basis, until the start of the industrial action;
- The latest industrial action.

Council continues to seek a resolution to the current industrial action and will continue to work with trades union colleagues to ensure good working conditions for our workforce but more importantly give the residents of Birmingham the best quality in-house refuse collection service possible.

Council will continue to review service provision with trades unions, the workforce, with residents and with our waste disposal and recycling contractors to make improvements for example increasing recycling rates and reducing the amount of waste generated per household. Further, Council will be responding to the various consultation papers planned by the Government as outlined in the recent Resources and Waste Strategy published in December 2018.

Council has made a reasonable offer to end the current litigation brought by Unite the Union and is disappointed that this offer, which would bring the dispute to an end, has not been accepted.

The offer remains on the table and the Council wishes to hold further talks with Unite the Union at Acas in order to resolve the dispute.

C. Councillor Kate Booth and Brigid Jones have given notice of the following motion.

(See document No. 20)

The Lord Mayor advised that as the finishing time for the item 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 Kate Booth formally moved the Motion which was formally seconded by Councillor Brigid Jones.

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

(See document No. 21)

City Council – 5 February 2019

Councillor Alex Yipp formally moved the amendment which was formally seconded by Councillor Debbie Clancy.

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-

19168

RESOLVED:-

This council welcomes Ofsted's recognition of the improvements to children's social care services in Birmingham and commends the outstanding efforts of staff and all who contributed to bringing about this positive news.

Further, this council is committed to working with Birmingham Children's Trust to build on the progress to date and deliver children's services that are rated as 'consistently good'. There will be no let-up in our collective efforts to improve outcomes for vulnerable children in the city.

However, with the Local Government Association (LGA) warning that local authorities face a £3bn funding gap by 2025 just to maintain the current levels of service in children's social care, it is clear that across the country the Government is failing to adequately fund services to protect vulnerable children and young people.

The LGA reports that 133 out of 152 English councils responsible for children's services overspent in 2017-18 - with a total overspend of £807m. At a time of continued austerity, this means cuts to services elsewhere or use of dwindling reserves.

This council therefore joins the LGA in calling upon the Government to provide new and long-term significant funding for children's services and recommends that the Council:

Write to the Chancellor of the Exchequer urging the Government to address the funding crisis facing children's services in next year's Spending Review, by delivering a long-term sustainable funding solution that enables councils to protect children at immediate risk of harm while also supporting early intervention to prevent problems escalating in the first place.

The meeting ended at 1905 hours.

APPENDIX

Questions and replies in accordance with Standing Order 10.2.

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

A1 External Legal Advice

Question:

In response to written question A12 from 15 January 2019, you stated that if any member wishes to seek external legal advice they must have the prior approval of the City Solicitor and in response to question A15 you confirmed that the Council would not pay for any legal advice that was sought without following this process. Question A11 meanwhile confirms that nearly £14k was paid to solicitors engaged by the former Leader when he questioned the council's own legal advice over the waste dispute. Does this mean that the former Leader did have the prior approval of the City Solicitor to seek this advice?

Answer:

Yes

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

A2 Representing Birmingham in the Midlands

Question:

Since becoming Leader, for each meeting of the Midlands Engine, Midlands Connect and any sub committees of these on which you have a seat, please list the date of the meeting and whether you attended, sent a substitute or apologies.

Answer:

Councillor Roger Lawrence from Wolverhampton City Council is the Combined Authority representative on Midlands Connect.

The dates of the Midlands Engine Meetings since I became Leader are:

- 22nd Feb 2018
- 18th June 2018
- 03rd July 2018
- 09th July 2018
- 22nd November 2018

I attended the Roundtable event on 9 July 2018 but due to other commitments as Leader I have been unable to attend the other meetings of the Midlands Engine. However, I have had numerous meetings and telephone calls with Sir John Peace and other partners to discuss issues across the Midlands Engine region.

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

A3 January Conservative Motion

Question:

Did you at any point ask the Council through any officer to seek to amend or withdraw the Conservative Group motion submitted in January?

Answer:

The Conservative Group motion in January called for the Council to release documents subject to ongoing litigation.

Therefore, I questioned the appropriateness of the motion with the City Solicitor

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

A4 Concerns of former Cabinet Member

Question:

When did Councillor Majid Mahmood, as the former Cabinet Member for Clean Streets, Waste and Recycling, first raise concerns with you about proposals to seek a court injunction against Unite and Unison for 'unlawful' strike action?

Answer:

Prior to the Cabinet meeting on 15th January 2019.

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

A5 Delay in decision - bin dispute

Question:

Recent reviews of the Council have laid great store on the need to implement decisions swiftly and effectively. Are you responsible for the surprising delay in implementing the decision agreed at the special Cabinet meeting held on the 15th January to seek either an injunction or binding arbitration, or both, in order to end the bins dispute?

Answer:

Since the Cabinet Meeting on 15 January 2019 BCC has been in arbitration (ACAS) with Unite and Unison regarding Waste. The first meeting was held on the 16 January 2019 and we have been in discussion since.

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

A6 Call in exemptions

Question:

Since 2012, please list all decisions that have been exempted from call-in, including the date of the decision and the date the decision was actually implemented.

Answer:

The attached schedule sets out the information requested from June 2015. As I explained when asked a similar question by Cllr Robert Alden in January 2018, it has not been possible to provide the full information requested as far back as 2012.

Title	CMIS ref. number	Decision Maker	Contact Officer	Date of Meeting	Implementation Date
Waste Management	006016/2018 & 006017/2018	Cabinet	Clive Heaphy 0121 303 2950	15/01/2019	15/01/2019 but Waste Contingency Plan partially implemented
Budget Consultation 2019+	005734/2018	Cabinet	Clive Heaphy 0121 303 2950	13/11/2018	Consultation launched 13/11/2018
Highway Maintenance and Management PFI Contract	005563/2018 005564/2018	Joint Cabinet Member and Chief Officer	Kevin Hicks 0121 675 3748	07/09/2018	07/09/2018
Contract Award – Commonwealth Games Closing Ceremony	004958/2018/ 004960/2018	Cabinet	Steve Hollingworth 0121 464 2023	06/03/2018	15/04/2018
Contract Award - Television Broadcast Company for the World Indoor Athletics Championships	004963/2018 004964/2018	Joint Cabinet Member and Chief Officers	Steve Hollingworth 0121 464 2023	28/02/2018	01/04/2018
Budget 2018 + Consultation	004430/2017	Cabinet	Mike O'Donnell 0121 303 2950	12/12/2017	Consultation launched 12/12/2017
Commonwealth Games 2022	004633/2017 004634/2017	Cabinet	Steve Hollingworth 0121 464 2023	08/12/2017	08/12/2017
Waste Management Services	004515/2017 004516/2017	Cabinet – Special Meeting	Jacqui Kennedy 0121 303 2047	24/11/2017	24/11/2017
Supplier Excellence Programme (SEP) – Full Business Case	002671/2016	Cabinet	Mohammed Zahir 0121 303 2956	15/11/2016	Did not proceed to implementation due to withdrawal of funding from DWP

City Council – 5 February 2019

Title	CMIS ref. number	Decision Maker	Contact Officer	Date of Meeting	Implementation Date
Service Birmingham B1 Accommodation Move	000258/2015 000058/2015	Cabinet	Nigel Kletz 0121 303 7270	24/06/2015	Notice given to break the B1 lease on 24/06/2015 and B1 successfully vacated by 24/03/2016

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

A7 Enablement Worker Dispute Report

Question:

Cabinet on the 22nd January 2019 received a last minute report on the enablement worker dispute, lacking some clarity about why it had been tabled. Could the Leader clarify whether the report was based on discussions with the trade unions and proposed solutions or whether it was a unilateral proposal that has been tabled in subsequent negotiations?

Answer:

The report was the subject of informal discussions as part of the wider consultation with Unison on the Enablement service. Unison asked for the report to be withdrawn. This did not happen, however I gave an undertaking at the Cabinet meeting that the recommendations would not be implemented until Unison had presented a final proposition to the Council. This took place on Thursday 31 January and the Council is now in discussions with Unison on that proposition.

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

A8 Major Events Budget

Question:

In the 2019-2020 budget there is a proposal to “reinstate” the major events budget by £500,000 rising to nearly £1m by 2022. At a time of financial austerity in the City Council, what pressure has made this necessary that could not be funded from elsewhere?

Answer:

A previous budget decision had reduced the major events budget to nil. Without reinstating an amount into the major events budget there would be a risk to the delivery of established events in the city such as the International Dance Festival, Birmingham Weekender and the mass participation events - the Birmingham 10k and the Birmingham Half Marathon.

In addition, Birmingham would be unable to host international athletics events in the future. Birmingham is one of only 14 cities in the world to host a Diamond League meeting. Such events enhance the reputation and standing of Birmingham in the world.

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

A9 Perry Barr Flyover - how many residents consulted?

Question:

**At the recent Commonwealth Games residents liaison group, the Leader restated his view that the Perry Barr flyover somehow “divides” the Perry Barr community - even though it has substantial open space around it. How many residents has he consulted and found in agreement with him in order to reach this view?
(For instance I don't think he gained any support at the meeting I refer to)**

Answer:

On the 12th February 2019 Cabinet will recommend a preferred option for highway works in Perry Barr and approve full public consultation in accordance with the Council's governance process. Engagement has taken place with the Ward Councillors, MP, those parties affected by the Compulsory Purchase Order, Walsall and Sandwell Councils, Transport for West Midlands, Department for Transport, Highways England along with the Commonwealth Games Residents Liaison Group and Perry Barr Ward Committee.

The public consultation responses will be reported in the Full Business Case as per normal practice.

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

A10 Pool Car

Question:

In response to written question A16 from 15 January 2019, you said that 12 pool vehicles have ‘been identified to date’. If the Council does not know for sure how many vehicles it actually owns or leases, do you at least know if any more been identified since the question was asked at the last meeting?

Answer:

The Council’s Motor Insurance Database records all vehicles that are currently being operated along with their ownership status.

One of the aims of the transport review is to determine if any of the cars/vans operated by Council departments for specific services can be used more widely as pool vehicles for all staff to use.

Of the 12 previously reported vehicles which are pooled within individual directorates, 2 have so far been identified as being available to be used across several directorates. In addition, 7 further vehicles have now been identified as potentially usable Council-wide. This will be determined in March 2019 when the vehicles are due to be replaced.

Work is on-going to seek to identify further Council vehicles currently used by individual directorates which could be made available across the Council as a whole.

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

A11 GMB dispute 1

Question:

At Cabinet on 15 January you stated that GMB first raised their concerns with you that they had been excluded from talks regarding the settlement of the 2017 waste dispute at the request of Unite. On what date did GMB make you aware of this and when did you then raise it with officers?

Answer:

I received an email from GMB on 8th January 2018 which was forwarded to the acting Chief Executive.

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

A12 GMB dispute 4

Question:

After GMB contacted you to raise their concerns that they were being excluded from talks over the settlement of the 2017 bin dispute did you raise this directly with Unite (if so when)?

Answer:

The formal discussions with GMB following the settlement in 2017 were conducted through officers within their delegated authority. I have subsequently discussed this issue with Unite during the ongoing ACAS discussions.

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

A13 GMB dispute 2

Question:

After GMB contacted you to raise their concerns that they were being excluded from talks over the settlement of the 2017 bin dispute did you discuss this with any other Cabinet member (if so who and when)

Answer:

A meeting was held with GMB on the 31 January 2018 involving myself and Councillor Lisa Trickett. Beyond this, I have no specific recollection of discussing this matter with other Cabinet Members.

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

A14 GMB dispute 5

Question:

Between GMB first raising their concern with you that they were being excluded in talks of the waste dispute, and the final legally binding agreement being agreed at the end of November 2017, what steps were taken to consult with them over the proposed changes?

Answer:

The legally binding agreement was approved at Cabinet on 24 November 2017.

Exclusion of GMB from discussions immediately prior to this date was not an issue I was involved in. These discussions were at an officer level.

GMB were included in local trade union discussions with officers from December 2017.

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

A15 GMB dispute 6

Question:

Between the Cabinet decision to agree a deal with Unite at the end of November 2017, and the implementation of that deal in September 2018, what steps were taken to consult with GMB on that deal?

Answer:

All the trades unions were part of the discussions that took place with officers regarding the implementation of the MOU in September 2018.

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

A16 Waste Dispute

Question:

What involvement did the former Cabinet Member for waste, Councillor Majid Mahmood have in any negotiations with any of the unions involved in the waste dispute (including dates)?

Answer:

Councillor Mahmood was a member of the Joint Service Improvement Board which met once a month. Cllr Mahmood was not involved in any formal negotiations in the Waste dispute.

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

A17 Waste Governance Review

Question:

On what date was the Council first provided with a copy of the draft and then final copy of Waste Governance Review carried out by VWV?

Answer:

The City Solicitor was given an initial draft in August 2018 and the final report (as published) was provided on 19 December 2018.

WRITTEN QUESTION TO THE LEADER FROM COUNCILLOR TIM HUXTABLE

A18 2012 Cabinet Decision

Question:

In response to question D11, we were told decisions contained within the 26 March 2012 Cabinet Report 'Fleet and Waste Management – Future Operating Model and Service Redesign' were impacted by subsequent changes within fleet and waste. Some of the decisions in that Cabinet report related to wider workforce issues and not specifically fleet and waste. Can you confirm that they were fully implemented?

Answer:

It has not been possible to obtain the information requested with the timeframe for written questions. A written answer will be provided in due course.

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

A19 Waste Contractors

Question:

How many contractors are currently engaged by the Council for waste collections during the dispute (broken down by individual Contractors with the number of FTE, number of wagons and hours per week worked for each contractors)

Answer:

One external contractor is currently engaged during the dispute. There are 10 teams of three working an average 70 hours per week.

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

A20 GMB Exclusion

Question:

Was any legal officer in the room (or consulted at the time) that Unite requested GMB be excluded from discussions over the waste dispute settlement?

Answer:

I am advised that the Unite negotiations were led by the Corporate Director of Place and the Assistant Director of HR.

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

A21 Union Negotiations

Question:

In response to written question A13 from 15 January 2019, you stated that you have not had any *formal* discussions with ACAS or any Trade Unions without an officer present. How many *informal* discussions have you had with any of them regarding the waste or enablement disputes, either face to face or by telephone\text, without an officer present?

Answer:

The nature of an informal meeting means that they are not recorded and are not a route to decision making. Informal meetings have taken place with the full knowledge of BCC officers.

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

A22 Unlawful Strike Action

Question:

On what date were you first advised that the Industrial Action by Unite may be unlawful?

Answer:

At the end of December 2018.

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

A23 Waste Contractors 2

Question:

What monitoring does the Council have in place for the contractors currently in place as part of contingency arrangements during the waste industrial dispute to ensure appropriate performance levels and compliance with expectations around health and safety etc?

Answer:

Our contract is with the external contractor. The City Council issues the work and monitors the progress via the number of roads completed and tonnage collected. The contractor monitors compliance to their health and safety procedures which are shared with the City Council.

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

A24 2012 Cabinet Decision 2

Question:

With reference to the response to Question D11 from January Council, given this was now 6 years ago and you have confirmed that at least some of the recommendations were not taken forward following the change in Administration shortly after, they would no longer be private and confidential. Can all recommendations decided on in the private report of March 2012 but not implemented now please be published, along with any others that, due to the passage of time are no longer classified as confidential?

Answer:

It has not been possible to obtain the information requested with the timeframe for written questions. A written answer will be provided in due course.

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

A25 Flexibility in waste

Question:

When the agreement with Unite was made in November 2017, introducing the new role of WRCO, we were told that this post would be flexible and could be redeployed across the city as needed to target areas where recycling needed greater attention. Indeed it is reasonable to presume that this was a reason why the post reported to the assistant service manager rather than to the Drivers as previously. The response to written question D18 to Council on 15 January confirms that it is actually a requirement under the legally binding agreement for a WRCO to be on each wagon that leaves the depot. Given the previously expressed desire for flexibility in deploying WRCOs, as well as the easily anticipated impact on the ability of waste collections crews to complete rounds during periods of high sickness or industrial action (i.e. pretty much constantly) – why was it made a condition of the legal agreement to bind the composition of each wagon in this way?

Answer:

The decision was made to resolve the dispute at the time and that each area of the city could benefit with this role being active in their neighbourhood.

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

B1 FOI Disclosure Log

Question:

At the last full council meeting we were informed that an FOI request had been submitted by Unite regarding their dispute over the GMB payments, we were also told that this FOI request was refused by the Council. Why is a copy of the refusal notice not on the Council's FOI disclosure log?

Answer:

The Council's response is now available on the disclosure log which can be found here :
https://www.birmingham.gov.uk/info/20154/foi_and_data_protection/1349/view_freedom_of_information_responses

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

B2 Brexit Commission

Question:

How much has the Council spent on its 'Brexit Commission'?

Answer:

There were no direct costs associated with leading the Brexit Commission itself as this was managed through the investment of relevant Officer and Member time.

There was a cost of £18, 565 related to the research, design and production of the 'Brexit Impact Report – Initial Analysis' which was externally commissioned but managed through the Commission.

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

C1 Concerned about staff welfare and reduction in library services

Question:

On a library by library basis can you list those locations where minimum staffing levels have been reduced and what changes to services/amenities have been made to enable this reduction to happen - again on a library by library basis.

Answer:

The contracted staffing levels have not reduced from the level approved by Cabinet in 2017. In April 2018, the amount of staff increased by 8 fte to enable the service to deliver the assisted digital support service and in 2019/20 there are plans to increase the staffing levels by a further 5 fte.

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR DEIRDRE ALDEN

“School Crossing Patrols 1”

Question:

How many school crossing patrol posts have been recruited to in each of the last 6 years?

Answer:

The number of new starters in each financial year is as follows:

- April 2012 – March 2013 = 20
- April 2013 – March 2014 = 6
- April 2014 – March 2015 = 25
- April 2015 – March 2016 = 12
- April 2016 – March 2017 = 21
- April 2017 – March 2018 = 14

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR BOB BEAUCHAMP

“School Crossing Patrols 2”

Question:

How many school crossing patrols posts have become vacant in each of the last 6 years?

Answer:

Prior to 2015/16 the service was devolved to Districts and they determined which sites should be recruited to – the total number of crossings that became vacant in each financial year, including those equipped with pedestrian lights and those to which recruitment may not have been funded, is as follows :

- 2012/13 - 37
- 2013/14 - 42
- 2014/15 - 30

Since 2015/16 the number of Priority1 sites that became vacant during each financial year is as follows:

- 2015/16 – 25
- 2016/17 - 13
- 2017/18 – 23

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

C4 School Places

Question:

For each of the last 3 years for each school in the City where distance from home is a criteria for admission, what was the maximum qualifying distance for a school place in Reception or Year 7?

Answer:

Thank you for your question.

Information on the final maximum qualifying distance for a school place in reception class and year 7 for each of the last three academic years is compiled and held by Birmingham City Council. This information is published on an annual basis on the Council's website and is available for the last three years. This approach assists parent/carers in making an informed decision when submitting their preferences for a place in reception class or year 7.

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR ADAM HIGGS

C5 School Crossing Patrols 3

Question:

What was the total spend on school crossing patrols in each of the last 6 years?

Answer:

Prior to 2015/16 the service was devolved to Districts and the level of spend on school crossing patrols was for them to determine – the net spend on the service in each financial year is as follows:

2012/13 – £1,212,993
2013/14 – £1,151,208
2014/15 – £853,672

Since 2015/16 the net spend on the school crossing patrol service in each financial year is as follows:

2015/16 – £945,158
2016/17 – £982,689
2017/18 – £966,633

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

D1 Policy Department

Question:

What is the total annual cost of the Council's policy department?

Answer:

The total annual cost of the Council's policy department in 2018/19 is £0.741m

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

D2 Communications Department

Question:

What is the total annual cost of the Council's communications department?

Answer:

The total annual cost of the Council's communications department in 2018/19 is £1.594m

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

D3 In-house lawyers

Question:

How many lawyers does the council directly employ by grade, with the total cost (including on-costs) for each grade?

Answer:

Directly Employed (Payroll) Lawyers 2019			Salary inc On-costs @ 40%
Grade	Headcount	Sum of FTE	
GR4	15	14.4	£ 631,753
GR5	34	29.6	£ 1,864,246
GR6	19	16.3	£ 1,270,783
GR7	5	4.9	£ 437,888
JNC	2	2.0	£ 259,811
Total	75	67.2	£ 4,464,480

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

E1 Enablement Workers Dispute - Home Care Workers

Question:

At the Cabinet meeting on 22nd January 2019 the Cabinet Member was congratulated for her work in proposing a compromise, tabled at the meeting on that day, in the enablement workers' dispute. Two days later the Hall Green Labour Party Executive agreed a resolution stating: "We are disappointed that Birmingham City Council has continued to pursue reducing hours of low paid Home Care workers. We ask strongly that they reconsider their direction and negotiate with Unison to resolve the matter. We also commend the Councillors who have shown solidary and support to the Home Care Workers, demonstrating what real Labour values are".

Does the Cabinet Member feel that the Labour administration is supported by the Councillors referred to in this resolution?

Answer:

As in all parties, we are all individuals and have our own opinions but we all passionate about Labour values.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
FROM COUNCILLOR PETER FOWLER**

E2 Fairways

Question:

Since the Court Order of 1 November 2018, preventing the council from taking any further steps to close the Fairways Day Centre, how many new service users have been referred to the Day Centre and how many service users have left?

Answer:

The Consent Order was signed by both parties on 12th December and was lodged at Court by way of a letter dated 14th December 2018. However, Legal have advised that a Consent Order only takes effect upon being approved by a Judge and then stamped with the court seal. BCC has not yet received a sealed order from the Court.

Following the Consent Order preventing the council from closing the Fairways Day Centre:

- A letter dated 14th December from the Head of Service was sent to service users, carers and advocates informing them of the Consent Order, and that the proposed closure of Fairways would not be going ahead
- There have been no new referrals to Fairways Day Centre from November 2018
- 3 service users left in November 2018 and 1 service user left in January 2019.
- The introduction of the “three conversations” social care model is resulting in a reduction of referrals to formal care services including placements at day centres. Social workers are continually looking at different ways to meet people’s needs and achieve their outcomes including taking an asset based approach in line with the requirements of the Care Act.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
FROM COUNCILLOR GARETH MOORE**

E3 Enablement Benchmarking

Question:

Your answer to written question G6 on 15 January, provided comparisons of costs per hour of the current Enablement service, with the model proposed at that time and external benchmarks. The cost per hour of the proposed service was given as £46 per hour, what is the cost per hour of the proposed service based on the changes agreed at the Cabinet Meeting of 22 January?

Answer:

The revised rota proposed in the Cabinet report on January 22nd, could increase the cost of the service by approximately £3 per hour, depending on the rota choices of employees.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
FROM COUNCILLOR SUZANNE WEBB**

E4 Enablement Benchmarking Carers

Question:

Have you carried out any benchmarking to determine how many different carers an Enablement service user in other local authorities would typically see in one week? (If so please provide the average and best in class)

Answer:

We have not carried out benchmarking on this issue.

It is worth noting that there are no national datasets on this issue and that the design and practice of enablement services varies greatly across the country. This would make meaningful benchmarking difficult.

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

F Perry Barr Flyover - scrutiny inquiry

Question:

Individual Councillors, such as myself, have been briefed on the “modelling” that lies behind the proposal to remove the Perry Barr flyover. However, we have not been offered any opportunity to reflect on the briefings we received. Given that, on reflection, it is quite clear the modelling is based on false premises and that thousands of people have signed the petition to save it, will the Cabinet Member agree to a scrutiny inquiry into the proposals so that the local Councillors can present and have assessed a reasonable alternative?

Answer:

The traffic modelling information presented to Councillor Jan and other Ward Councillors who accepted the invitation to the meetings to discuss the proposals covers the three options considered for the A34 / A453 and A34 / A4040 junctions. The decision on which option is to be taken forward to consultation will be made by Cabinet on 12 February 2019. The briefing to Councillor Jan took place on 24 January, however the briefings with the other Ward Councillors were on the 7 and 8 January thereby giving several weeks to reflect on the options and modelling information discussed.

The modelling has been undertaken by an external consultant and each option assessed in the morning and afternoon peaks and on a Saturday using the same base traffic data.

In the event the Cabinet Report is ‘called in’ and subject to scrutiny I will provide responses to any questions raised.