



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 15 JANUARY 2019 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

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

Councillors

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

NOTICE OF RECORDING

- 19131 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

- 19132 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.
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MINUTES

The Lord Mayor to note that the date at the top of each page of the Minutes should read '4 December 2018'.

It was moved by the Lord Mayor, seconded and –

- 19133 **RESOLVED:-**

That, subject to the above amendment, the Minutes of the meeting held on 4 December 2018 having been circulated to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

A. Birmingham

- 19134 The Lord Mayor indicated that Councillors would be aware that yesterday we celebrated a significant anniversary for our wonderful City.

The original Charter of Incorporation, dated 31 October 1838, was received in Birmingham on 1 November, and then read in the Town Hall on 5 November with elections for the first Town Council being held on 26 December. So, in 1838 Birmingham gained the status of a Municipal Borough and gained its first elected Town Council which took over the functions of the previous Street Commissioners. Sixteen Aldermen and 48 Councilor's were elected and the Borough was divided into 13 Wards.

William Scholefield became the first Mayor and William Redfern was appointed as Town Clerk.

The Lord Mayor continued that it was not until 51 years later on 14 January 1889 (130 years ago yesterday) that another Charter conferred the rank of City on Birmingham. In fact Birmingham became a City and a County Borough (Unitary Authority) at the time.

It is also interesting to note that our Birmingham Coat of Arms was awarded to the Corporation in 1889 (and was subsequently updated for the City Council in 1977). The dignity of a Lord Mayor was first conferred seven years later in 1896 and Sir James Smith Kt was appointed as the City's first Lord Mayor on 3 June 1896

The Lord Mayor indicated that, in recognition and celebration of the 130th Anniversary of the award of city status to Birmingham, it gave her great pleasure in introducing pupils from Hillstone Primary school in Shard End singing excerpts from 'The Birmingham Cantata'. This piece had been written by Keith Farr who is Assistant Head and Director of Arts at Hillstone Primary and Members will be interested to know that Keith was the Classic FM primary school music teacher of the year, a few years ago. The Lord Mayor understood that the school had recorded the Birmingham Cantata at Soho House and it had now been published.

The Lord Mayor advised the Children's performance would be followed by a short film produced by Culture Central and curated by Mohammed Ali MBE from Soul City Arts based here in Birmingham.

The longer version of this film was projected yesterday onto the front of the Council House to celebrate the actual day of the 130th Anniversary of the award of city status to Birmingham. The Lord Mayor had been informed that Mohammed spent time immersed in neighbourhoods across the city, filming people and places. The film goes beyond bricks and mortar to tell the stories of the people who make the City of Birmingham.

The Lord Mayor, handed over to children of Hillstone Primary School who gave their performance.

The Lord Mayor thanked the children invited those in the Chamber to join her in showing their appreciation for the wonderful performance.

The short film was then shown.

B. Honorary Alderman Presentations

- 19135 The Lord Mayor indicated that her first duty today is an extremely pleasant one, as we will be conferring the title of Honorary Alderman upon a number of our former colleagues. She indicated that she would present them in alphabetical order.

Honorary Alderman Susan Mary Anderson

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Susan Mary Anderson the title of Honorary Alderman of Birmingham City Council in recognition of 30 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Susan Mary Anderson with an engrossment of the Council's resolution to admit her to the Roll of Honorary Aldermen of the City.

Honorary Alderman Susan Barnett

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Susan Barnett the title of Honorary Alderman of Birmingham City Council in recognition of 12 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Susan Barnett with an engrossment of the Council's resolution to admit her to the Roll of Honorary Aldermen of the City.

Honorary Alderman Randal Anthony Maddock Brew

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Randal Anthony Maddock Brew the title of Honorary Alderman of Birmingham City Council in recognition of 21 years and 11 Months of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Randal Anthony Maddock Brew with an engrossment of the Council's resolution to admit him to the Roll of Honorary Aldermen of the City.

Honorary Alderman Peter Ernest Douglas Osborn

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Peter Ernest Douglas Osborn the title of Honorary Alderman of Birmingham City Council in recognition of 16 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Peter Ernest Douglas Osborn with an engrossment of the Council's resolution to admit him to the Roll of Honorary Aldermen of the City.

Honorary Alderman Carol Julia Jones

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Carol Julia Jones the title of Honorary Alderman of Birmingham City Council in recognition of 15 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Carol Julia Jones with an engrossment of the Council's resolution to admit her to the Roll of Honorary Aldermen of the City.

Honorary Alderman Tony Kennedy

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Tony Kennedy the title of Honorary Alderman of Birmingham City Council in recognition of 15 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Tony Kennedy with an engrossment of the Council's resolution to admit him to the Roll of Honorary Aldermen of the City.

Honorary Alderman Ansar Ali Khan

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Ansar Ali Khan the title of Honorary Alderman of Birmingham City Council in recognition of 16 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Ansar Ali Khan with an engrossment of the Council's resolution to admit him to the Roll of Honorary Aldermen of the City.

Honorary Alderman Fergus Robinson

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Fergus Robinson the title of Honorary Alderman of Birmingham City Council in recognition of 16 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Fergus Robinson with an engrossment of the Council's resolution to admit him to the Roll of Honorary Aldermen of the City.

Honorary Alderman Dorothea Anne Underwood

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Dorothea Anne Underwood the title of Honorary Alderman of Birmingham City Council in recognition of 36 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Dorothea Anne Underwood with an engrossment of the Council's resolution to admit her to the Roll of Honorary Aldermen of the City.

Honorary Alderman Margaret Waddington

The Lord Mayor reminded the Council that, at an Extraordinary Meeting held on 22 May 2018, it had agreed to confer upon Margaret Waddington the title of Honorary Alderman of Birmingham City Council in recognition of 36 years of service as a Councillor.

The Lord Mayor presented Honorary Aldermen Margaret Waddington with an engrossment of the Council's resolution to admit her to the Roll of Honorary Aldermen of the City.

B. New Year's Honours

19136 The Lord Mayor asked those in the Chamber to join her in congratulating those mentioned in the New Year's Honours list for services to Birmingham or who lived in Birmingham as follows:-

CBE

Michelle Ann Bolger
Professor Frederick Hobbs
Nick Mason

OBE

Owen Burke
Dr Malcolm McKinnon Dick
Professor Raymond Lawrence Linforth
Louisa Helen Rolfe
Eleanor Poulson Tobin
Abdul Kalam Azad Choudhury

MBE

Lynette Adjei
Judy Anne Dyke
Gordon Giltrap
Rosie Kaur Ginday
Mandeep Kaur
Carol Ann Lyndon
Faeza Vaid
Lyril Berisford Rawlins
Gail Helen Rothnie
Jacqueline E Tyler
Barbara Walker
Joy Warmington

BEM

Norma Boyd
Margaret Dickson
Sonya Parnell
James Whiskens

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 -

19137 **RESOLVED:-**

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

Petitions Relating to City Council Functions Presented before 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 -

19138 **RESOLVED:-**

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

Petitions Relating to City Council Functions Presented at the Meeting

The following petitions were presented:-

(See document No. 3)

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

19139 **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. 4)

It was moved by the Lord Mayor, seconded and -

19140 **RESOLVED:-**

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

QUESTION TIME

19141 The Council proceeded to consider Oral Questions in accordance with Standing Order 10.3.

Following a question from Councillor Chaman Lal to the Cabinet Member for Health and Social Care, Councillor Hamilton relating to the Midland Metropolitan Hospital, Councillor Waseem Zaffar indicated he was a non - executive Director of the Sandwell and West Birmingham NHS Trust who was responsible for the building of the hospital.

Following a reply from the Leader, Councillor Ian Ward to Councillor Hunt relating to the Waste Service Industrial Action, Councillor Robert Alden rose on a point of order to ask the Leader if he wished to amend his reply as he (Councillor Alden) understood that the decision made at the Cabinet Meeting earlier that day was to invite both the Unite Union and UNISON to binding arbitration and to obtain a Court Order to prevent the Industrial action from continuing. The Leader clarified his reply.

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

APPOINTMENTS BY THE COUNCIL

Following nominations from Councillors Martin Straker Welds and Gareth Moore it was-

19142 **RESOLVED:-**

That appointments be made by the City Council for Members to serve on the Committee set out below:-

Children's Social Care Overview and Scrutiny Committee

Councillor Kath Scott to replace Councillor Lucy Seymour-Smith and Councillor Debbie Clancy to replace Councillor Charlotte Hodivala for the period ending with the Annual Meeting of City Council in May 2019.

EXEMPTION FROM STANDING ORDERS

It was moved by Councillor Martin Straker Welds, seconded and

19143 **RESOLVED:-**

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

- Allocate 10 Minutes for item 9 (Annual Review of the City Council's Council Tax Support Scheme)
- Allocate 20 Minutes for item 10 (Gambling Act 2005 – Statement of Licensing Principles)
- Allocate 20 minutes for item 11 (City of Sanctuary Policy Statement 2018-22)
- Allocate 45 minutes for item 12 (Brexit)"

Council Business Management Committee also agreed that the time for the meeting be extended to 1935 if required.

The Lord Mayor requested that, in accordance with Standing Order 7 (Suspension of Standing Orders), a Leader or Deputy Leader (or their nominee) of one of the Party Groups to move that the meeting be extended to 1935 hours and that that be seconded by the Leader or Deputy Leader (or their nominee) of another Party Group.

LENGTH OF COUNCIL MEETING

Having been moved by Councillor Brigid Jones and seconded by Councillor Gareth Moore it was-

19144 **RESOLVED:-**

That the meeting be extended to 1935 hours.

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

The following report was submitted:-

(See document No. 5)

The Lord Mayor called upon the Deputy Leader, Councillor Brigid Jones, not the Leader, Councillor Ian Ward as indicated on the agenda, to move the motion.

The Deputy Leader, Councillor Brigid Jones moved the motion which was seconded.

A comment was made.

The Deputy Leader, Councillor Brigid Jones responded appropriately.

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-

19145 **RESOLVED:-**

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 preceding year that Delegated Authority is granted to the appropriate Senior Officers to authorise the scheme within the Benefit Service.

GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES

The following report of the Licensing and Public Health Committee was submitted:-

(See document No. 6)

Councillor Barbara Dring moved the motion which was seconded.

A debate ensued.

Councillor Barbara Dring 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-

19146 **RESOLVED:-**

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.

CITY OF SANCTUARY POLICY STATEMENT 2018-22

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

(See document No. 7)

Councillor Tristan Chatfield moved the motion which was seconded.

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-

19147 **RESOLVED:-**

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.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

19148 **RESOLVED:-**

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

The Council then adjourned at 1635 hours.

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

BREXIT

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

(See document No. 8)

The Deputy Leader, Councillor Brigid Jones moved the motion which was seconded.

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

(See document No. 9)

Councillor Matt Bennett moved the amendment, during which he confirmed that he was removing the second point, which was seconded by Councillor Gary Sambrook.

The Deputy Leader, Councillor Brigid Jones, on a point of order, noted that Councillor Sambrook had named a Council Officer and brought their conduct in to question in the Chamber and she asked if that was appropriate. Councillor Sambrook explained that he had reported the matter several times as he felt the employee was in breach of their contract which was there to protect the employee and the employer. The Lord Mayor advised Councillor Sambrook to raise the matter with the appropriate officer and not name officers in the Chamber.

A debate ensued.

The Deputy Leader, Councillor Brigid Jones replied to the debate during which Councillor Robert Alden, on a point of order, indicated that he had sought to raise items for City Council agendas at Council Business Management Committee.

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-

19149 **RESOLVED:-**

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

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 Morriam Jan and Baber Baz have given notice of the following motion.

(See document No. 10)

Councillor Narinder Kaur Kooner declared a pecuniary interest.

Councillor Morriam Jan moved the Motion, which was seconded by Councillor Baber Baz.

In accordance with Council Standing Orders, Councillors Tristan Chatfield and Barbara Dring gave notice of the following amendment to the Motion:-

(See document No. 11)

At 1800 the Lord Mayor left the meeting and the Deputy Lord Mayor assumed the Chair.

At 1803 the Lord Mayor returned to the meeting and assumed the Chair.

Councillor Tristan Chatfield moved the amendment which was seconded by Councillor Barbara Dring.

A debate ensued.

Councillor Morriam Jan replied to the debate during which she noted that Councillor Barbara Dring had suggested, and she (Councillor Jan) agreed, that the following words be added to the motion:-

“Council requests that Licensing and Public Protection Committee carry on its efforts to support the Bleed Control Kit initiative by continuing to encourage licensed premises to equip themselves with the kit and the necessary training.”

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-

19150

RESOLVED:-

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.

The Council commends the excellent work of the City Centre Local Community Safety Partnership, which agreed in November 2018 to purchase up to 200 bleed control kits following talks with the Daniel Baird Foundation. With support from the relevant Business Improvement Districts, the Community Safety Partnership will initially trial these kits at night time economy locations in the city centre and willing venues for the trial have already been identified.

Further, the Council is exploring the possibility of installing bleed control kits on police vehicles used within the city centre and is also working closely with West Midlands Ambulance Service (WMAS) to develop a kit that supports the work of WMAS and Trauma Centres.

In addition, the Council agrees that in its revised 'Good Practice for Licenced Premises' booklet, the Community Safety Partnership should state that it is recommended good practice for licenced premises to have bleed control kits on their premises.

The Council is keen to support the work of the Daniel Baird Foundation to make Birmingham the first 'Control the Bleed' city in the UK and agrees to build on the initial pilot by rolling out kits to day time economy venues across the wider city.

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 Cabinet Member for Education, Schools and Culture and the Cabinet Member for Social inclusion, Community Safety and Equalities to report back progress on this initiative to the relevant Overview and Scrutiny Committee.

Council requests that Licensing and Public Protection Committee carry on its efforts to support the Bleed Control Kit initiative by continuing to encourage licensed premises to equip themselves with the kit and the necessary training.

B. Councillor Tristan Chatfield and Sharon Thompson have given notice of the following motion.

(See document No. 12)

Councillor Tristan Chatfield moved the Motion which was seconded by Councillor Sharon Thompson.

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

(See document No. 13)

Councillor Robert Alden moved the amendment which was seconded by Councillor Alex Yip.

A debate ensued.

Councillor Tristan Chatfield 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-

19151 **RESOLVED:-**

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. Councillor Deirdre Alden and Robert Alden have given notice of the following motion.

(See document No. 14)

The Lord Mayor advised that Councillors be made aware of potential issues regarding elements of the Conservative Motion around the public disclosure of documents relating to the current dispute with Unite and the settlement of the Failure to Consult claims issued by GMB.

The Lord Mayor noted that even if the motion was carried as drafted, the Council may not be in a position to disclose the information as a result of current legal proceedings in the Employment Tribunal relating to claims brought by Unite.

The information is either:

- Confidential
- Subject to legal privilege
- Or was produced on a without prejudice basis as part of the original dispute brought by GMB

As Members will appreciate the Council needs to ensure that it does not compromise its position in relation to those proceedings.

Whilst the GMB have publicly stated that they would like the Council to publish as much information as possible, they have acknowledged that any such documents cannot be disclosed at this stage.

The Lord Mayor noted that any queries/questions can be raised with the City Solicitor outside the meeting.

LENGTH OF COUNCIL MEETING

Having been moved by Councillor Gareth Moore and seconded it was-

19152

RESOLVED:-

That the meeting be continues to be extended to 1935 hours.

Councillor Deirdre Alden moved the Motion which was seconded by Councillor Robert Alden.

A debate ensued.

Councillor Deirdre Alden 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.

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

(See document No. 15)

N.B. The documents have been amended to show that Councillor Jayne Francis voted for the Motion.

The total results referred to in the interleave read:-

Yes – 78 (For the Motion)
No – 0 (Against the Motion)
Abstain – 0 (Abstentions)

It was therefore-

19151 **RESOLVED:-**

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

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- 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.

The meeting ended at 1935 hours.

APPENDIX

Questions and replies in accordance with Standing Order 10.2.

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

A1 Waste Strike 2017 - Improve Effectiveness of Cabinet

Question:

The Waste Service Governance Review of the handling of the 2017 strike made some searing criticisms of the governance of the Council. What steps does the Leader propose to take to improve the effectiveness of the Cabinet?

Answer:

When I became Leader, I made it clear to all Cabinet Members what is expected of them, including the powers and limitations set by the Council's constitution and the law.

We are absolutely committed to learning from what happened during the summer of 2017 and we have already put in a range of measure to make our governance and decision making more robust.

This is not just about Cabinet and as you know we have reviewed our elected member induction programme which was rolled out after the May 2018 elections. In addition our member development programme is being improved as part of a four year plan and the findings of the review can be built into that programme.

Most importantly since April 2018 the Council has made a series of improvements to its Corporate Governance plan to address the issues highlighted in the review which is monitored monthly by the Birmingham Independent Improvement Panel and the Ministry of Housing, Communities and Local Government.

Details can be found within the plan and we have already recognised, as an example, the need for the Council to have an effective and proactive scrutiny function, the need to improve the joint working between members and officers, and to increase the depth of understanding of governance rules and standards.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
MIKE WARD**

A2 Refuse Strike 2017 - Retain Same Cabinet Members?

Question:

Does the Leader consider it appropriate to retain the Cabinet Members found by the Waste Service Governance Review to have failed to mount effective challenges to the former Leader during the 2017 refuse strike, given the costs and implications of the actions taken in August 2017?

Answer:

When I became Leader, I made it clear to all Cabinet Members what is expected of them, including the powers and limitations set by the Council's constitution and the law.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ROGER HARMER**

A3 Exit Payments JNC posts

Question:

Since 2012 what has been the total cost of exit payments made to employees in JNC posts who have left the Authority?

Answer:

Year	£'000
2012-13	421.0
2013-14	1,057.4
2014-15	611.2
2015-16	2,132.9
2016-17	1,655.2
2017-18	1,331.7
2018-19	832.2
Total	8,041.6

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

A4 Commonwealth Games - Finance

Question:

Could the leader update the Council on arrangements to finance the Commonwealth Games?

Answer:

The budget for the Commonwealth Games will be approved by HM Treasury's Major Projects Review Group (currently advised as first quarter of 2019/20) and the City's assumptions are based on the Games bid submitted in December 2017.

The City Council's commitment is to

- a. Finance the cost of developing the Commonwealth Games Village, of which approximately 32% of the gross cost is supported by government grant. The remainder will be financed by Prudential Borrowing, which will be repaid after the games through asset disposals;
- b. Finance 25% of the cost of the costs of the Organising Committee to include the refurbishment of the Alexander Stadium. It is estimated that up to 40% of the cost to the City will be met by local and regional partner contributions.

Of the net costs, approximately 75% will be capital expenditure financed by Prudential Borrowing. The remaining 25% will be revenue expenditure financed by Business Rates growth.

- c. Internal costs of Programme and Project Management

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

A5 Obillex

Question:

How much has the Council invested in total in the company Obillex for its 21% share and what is this investment currently valued at?

Answer:

The council has directly invested £1.125m in Obillex Ltd since May 2015 and holds in its own right 20.7% of the ordinary share capital. The investment is held on BCC's balance sheet at cost and is reviewed annually for impairment or increase.

In 2017 an independent body awarded equity funding to Obillex from a national fund for which BCC acts as accountable body. Consequently BCC holds a further 19% of equity in the company on behalf of this non-BCC fund. BCC will receive no benefit from this holding, will not be liable for any costs or losses (unless wilfully negligent) but manages the governance and shareholder relationship together with its own shareholding.

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

A6 Project Overspends

Question:

The response to written question A9 from December's Council meeting listed 3 projects where the approval for the revised business case was given as 'under investigation' – can you please provide an update on these investigations to either give the dates approval was given or an explanation for why this was not completed?

Answer:

Scheme	Revised Business Case Approved by
Swimming Pool Facilities	Retrospective report to take to Cabinet in progress. Reported at quarterly Capital & Treasury Management Monitoring in 2017/18 and Outturn report.
Community Sport	Overspend was explained and approved in the Capital & Treasury Management Capital Monitoring Quarter 3 2015/16 report to Cabinet.
Community Development & Play	Bournville Baths overspend reported in 2016/17 Final Outturn report to Cabinet.

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

A7 Paradise Development repayment

Question:

Your response to written question A12 from December's Council meeting stated that there was no net impact on the council's revenue budget from the repayments to the additional £50m loan for the paradise development. This is because the loan would be repaid from growth in business rate income rather current income. However, given that growth was already projected to have taken place as part of the original business case, the additional £50m would be repaid from growth that would otherwise have come into the council's revenue account in future years. For transparency can you please be clear how much will need to be repaid in each year for this £50m?

Answer

The additional borrowing required to complete phases 1 and 2 of the Paradise development will be met by borrowing using the City Council's prudential borrowing and the cost of debt repayment will be met by financial resources the GBSLEP using business rates growth within the Enterprise Zone.

Within the Enterprise Zone, all business rates growth until 2046 is retained by the GBSLEP to support projects within the wider GBSLEP area. To date all capital projects approved are in Birmingham.

All loans relating to the Paradise Development must be repaid by 2046 in line with the Enterprise Zone agreement and repayments will be structured according the cumulative debt incurred as the scheme progresses. This is not a fixed sum and will vary according to development spend.

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

A8 GMB Acas Deal

Question:

When you were first made aware that GMB had taken a dispute over a ‘failure to consult’ to ACAS and that this had been settled with a cash payment? (if the date you were first aware of the dispute and the settlement were different please given both dates)

Answer:

I was made are of the GMB dispute over a failure to consult on 8th January 2018.

I cannot recollect the date on which I was informed that a payment had been made.

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

A9 Social Care Grant

Question:

Is any of the £15m social care grant made available to the Council for next year being paid to the Children's Trust for Children's Social Care?

Answer:

No decision has yet been made on the use of this funding.

The allocation for Adult and Children's Social Care is split in two parts:

- Winter Pressures – in 2019/20 there is an additional £5.6m which is heavily ring-fenced and needs to be pooled through the Better Care Fund
- Social Care Support Grant – an additional £9.6m of un-ring-fenced grant will be allocated to BCC.

Final decisions on how this funding will be allocated will be taken at a meeting of Full Council on 26 February.

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

A10 Waste Management Governance Review

Question:

Were all Cabinet Members asked to contribute to the Waste Management Governance Review?

Answer:

No

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

A11 QC Advice for Former Leader

Question:

The Waste Management Governance Review says that the Council paid the cost of the former Leader's external legal advice despite concerns over the way it was procured. Can you provide full details of these costs, including total cost, when it was paid and who approved it?

Answer:

1. It was approved for payment on 21 May 2018.
2. £13,819.20 (includes solicitor's costs, Counsels fees and VAT).
3. Agreed by the City Solicitor/Monitoring Officer in conjunction with the Chief Finance Officer.

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

A12 External Legal Advice

Question:

If a Member wishes to get legal advice to challenge a council decision, what is the council process for procuring that?

Answer:

Any legal advice must be sought via the Council's internal Legal Services department with the prior consent of the City Solicitor/monitoring Officer.

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

A13 Union negotiations

Question:

On how many occasions have you spoken to ACAS or the Unions regarding an industrial dispute alone (either face to face or by phone) without any officer present?

Answer:

I have had no formal discussions with ACAS or Trades unions alone, either face to face or by phone.

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

A14 Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

GMB
Unison
Unite

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

A15 External Legal Advice

Question:

If any elected member engages external legal advice without following the correct procedures, will the Council pay the cost anyway?

Answer:

No

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

A16 Pool Cars

Question:

How many pool cars does the Council own\lease?

Answer:

Twelve pool vehicles have been identified to date as part of the transport review.

2 cars are leased, 6 cars are owned

1 van is leased, 3 vans are owned.

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

A17 Pool Cars Cost

Question:

How much have the Council spent on the running costs of pool cars in each of the last 3 years?

Answer:

For the pool vehicles identified to date as part of the transport review:

- a. Two electric cars are operated for the out of hours homecare services during the evenings, 7 days a week and are used as pool vehicles by other departments during the day. These were part of a government programme that provided the vehicles for two years, including covering the cost of £2,812 per year (per vehicle) and installing the charging points. The cost to the Council was £500 per vehicle. When the leases expired in July/August 2018 they were extended for an additional year at a cost of £6,000 to continue to support the out of hours homecare services.

Running cost are approximately 7.5 pence per mile, Vehicle Excise Duty tax is zero and servicing is included in the lease cost. With an average mileage of around 8,000 per year, the annual electricity cost to charge the vehicles is approximately £1,200.

- b. Housing operate an electric van with a lease cost of £2,406 per year.
- c. Transport & Connectivity operate 4 cars and 3 vans. Annual operating costs are approximately £13,000 in total.
- d. Birmingham Property Services operate 2 pool cars. Cost information for these is being sought and will follow.

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

A18 Pool Cars Access

Question:

How many Officers and Councillors have access to council pool cars (divided between councillors and officers and by directorate)

Answer:

Of the pool vehicles identified to date as part of the transport review:

Two electric cars are operated by the out of hours homecare services during the evenings, 7 days a week. These are also used by officers in Education, Adults and Legal Services, but can be booked by through a Homecare team contact.

One electric van is available to Housing officers.

Transport & Connectivity operate 4 cars and 3 vans, available to their officers.

Birmingham Property Services operate 2 cars that are available to their officers.

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

B1 GMB ACAS Payment

Question:

It has been suggested that the payment for the failure to consult with ACAS was made directly to GMB who distributed it to their members rather through the payroll to individual employees. If this is the case, then the payment should appear on the Council's Open Data website under the figures for all spend over £500, in accordance with the Local Government Transparency Code but I cannot see a payment to 'GMB' listed. In which month was this published and who was listed as the 'vendor name' for the payment(s)?

Answer:

A payment was not made by the Council to the GMB Union. The Council paid GMB Members in Waste Management in respect of their failure to consult claims. As a result, this payment was included as part of the Council's audited accounts under the budget line for Legal Services.

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

B2 Union Membership

Question:

It is a requirement to declare union membership as an interest (and whether or not that membership is pecuniary), whilst Members have been asked to declare this at, or ahead of, previous council meetings it is not consistently listed on the declaration of interest forms currently published online. As this information have been collected, and is publicly disclosable, can you please publish here a full list of all declared interests concerning trade union membership for any city councillor?

Answer:

This municipal year, there have been no occasions where full council has had to declare union membership interests. It would require a significant amount of officer resource to trawl the minutes of every other formal meeting.

Statutory Registers for all members are published on the website and available. If membership of a union falls within employment, office, trade, profession or vocation carried out for profit or gain then members would be required to declare it on the Statutory Register. The wording of the statutory register form is currently being reviewed to ensure openness and transparency of organisations declared under non-pecuniary interests.

It is a requirement for all members to ensure that their statutory register form is kept up to date, and if any member is uncertain of their requirement to declare such organisations then they should seek advice from the Monitoring Officer.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR SIMON MORRALL**

C Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

National Education Union

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

D1 Waste Collection - First Class Service

Question:

In a recent press quote, the Cabinet Member referred to waste collection in Birmingham being a "first class" service. Does he consider two outbreaks of serious industrial action in 18 months to be the kind of first class service to be expected from his far-left agenda?

Answer:

I became Cabinet Member on 22 May last year and have work tirelessly with Officers and Trade Unions to build a first class service. I remain committed to this aim and will continue to work with Trade Union colleagues to resolve this dispute.

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

D2 Waste Collection - First Class Service (2)

Question:

In a recent press quote, the Cabinet Member referred to waste collection in Birmingham being a “first class” service. Does he consider it provided a first class service following the introduction of the new working arrangements last September?

Answer:

I became Cabinet Member on 22 May last year and since then I have worked tirelessly with Officers and Trade Unions to build a first class service and whilst some challenges still exist I am committed to this aim and will continue to work with all to deliver a service that meets the needs of residents.

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

D3 Recycling - Working Arrangements Inadequate?

Question:

While Unite has been conducting its work to rule, the service has been unable to collect recycling. Does this suggest that the working arrangements introduced in September 2018 are inadequate for providing a full service of general and recycling collections?

Answer:

Regrettably the current Industrial Action is impacting on all collections but I can confirm that during the consultation for the new service a number of pilots were carried out to ensure that the timings for collections were correct and that the rounds proposed were achievable.

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

D4 Waste Review - Continue as a Member of the Cabinet (2)

Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who “collectively” failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017 you confirmed in writing that you “agreed to support” a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August, and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a Cabinet Member.

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

D5 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:

There are two main data collection forms which are used by the WRCOs relating to recycling, F01 - Recycling Participation and F02 - Resident Engagement.

From 4 December 2018 to 8 January 2019:

- **F01:** 489 of the Recycling Participation forms have been completed. Of these 27 have identified specific streets as only presenting between 0-25% of their recycling bins for collection. All 27 have been referred to the Waste Prevention Unit to visit these streets and offer advice and education to residents.
- **F02:** 46 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 BRUCE LINES

D6 WRCO Job Description

Question:

In the job description for Waste Reduction and Collection Officer, what is listed under the section for ‘Supervision Received’ including, supervising officer job title and level of supervision

Answer:

SUPERVISION RECEIVED

SUPERVISING OFFICER JOB TITLE:

Daily supervision by Driver Team Leader
Line Managed by Assistant Service Manager (WRCO Lead)

LEVEL OF SUPERVISION

1. Plan own work to ensure the meeting of defined objectives.

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

D7 Driver Team Leader Job Description

Question:

In the job description for Driver Team Leader in the waste collection service, what is listed under the section for ‘Supervision Given’

Answer:

POST TITLE	GRADE	NO OF POSTS	LEVEL OF SUPERVISION*
Leading Hand	GR3	1	3
Loader	GR2	2	2

*Use 1,2 or 3 as in 3.2

This job description will be reviewed as part of the restructure of Waste Management to ensure that the terminology reflects current arrangements and job titles.

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

D8 Waste Disposal Contract

Question:

What is the net impact on the 19/20, 20/21, 21/22 and 22/23 budget of the decision to extend the waste disposal contract by 5 years?

Answer:

The decision to extend the waste disposal contract will be reconsidered by Cabinet on the morning of 15 January 2019 following a call in by Scrutiny.

The budget for the service will be reflected in the proposed budget for 2019/20 which will be presented to Cabinet in February 2019.

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

D9 Waste Staff Sickness

Question:

How many waste collection staff (total number and percentage) reported in sick on each day between 24 December 2018 and 11 January 2019?

Answer:

As at January 2019, there are 417 staff in waste collection. The table below indicates the number of staff from this group who reported in sick on the days stated:

		Percentage of Workforce absent on each date
Row Labels	Grand Total	
24/12/2018	2	0.42%
27/12/2018	3	0.64%
28/12/2018	2	0.42%
31/12/2018	3	0.64%
02/01/2019	6	1.27%
03/01/2019	4	0.85%

Of the staff whose absence started on the 24 December 2018, both returned to duty on the 28 December 2018. Of the staff whose absence started on the 27 December 2018 one member of staff returned to duty on the 28 December 2018. All other absences at the time of writing are continuing.

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

D10 Hand washing facilities

Question:

During the 2017 industrial action, when the issue emerged of waste crews having to return to the depot for breaks for hygiene reasons, it was suggested by opposition members that the council looks to install hand washing facilities on the wagons, as happens elsewhere. Since then what has happened to explore this idea further?

Answer:

The new vehicles purchased from 2013 to 2015 all have hand washing facilities to the vehicles (approximately 75% of our fleet) and all are currently operational.

All crews have been given toolbox talks on hand washing and hygiene.

All new vehicles will have hand washing facilities.

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

D11 Cabinet decision on Waste Management

Question:

A Cabinet report of 26 March 2012, entitled ‘FLEET AND WASTE MANAGEMENT – FUTURE OPERATING MODEL AND SERVICE REDESIGN’ set out proposed changes to the waste management and other council services that were agreed, by what date were all these fully implemented?

Answer:

There were a number of recommendations contained within the private Cabinet report of March 2012. In 2012 the service trialled wheeled bins before moving to a full roll out across the City in 2013 which impacted on some of the recommendations. Since then the service has been through a number of redesigns to reflect the changing needs of the City Council and the residents of Birmingham culminating in the Memorandum of Understanding agreed and implemented in September 2017.

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

D12 Acting-up 1

Question:

Within the waste collection service how many staff are currently ‘acting-up’ into roles above their substantive pay-grade?

Answer:

A total of four staff are currently ‘acting-up’ within the waste collection service. Two of these staff have been successful following the recent recruitment in the service and are awaiting a formal start date.

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

D13 Acting-up 2

Question:

Within the waste collection service how long has the member of staff currently ‘acting-up’ into a role above their substantive pay-grade for the longest being doing that enhanced role?

Answer:

The longest ‘act-up’ in place in the waste collection service is approximately two years for two members of staff. However, they have been successful following the recent recruitment in the service and are awaiting a formal start date.

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

D14 Acting-up 3

Question:

Within the waste collection service how many staff have been ‘acting-up’ into a role above their substantive pay-grade for longer than 12 weeks, 6 months and 12 months?

Answer:

A total of four staff are currently ‘acting-up’ within the waste collection service. Two for longer than 12 weeks and two for longer than 12 months. The two staff who have been in ‘act-up’ for more than two years have been successful following the recent recruitment in the service and are awaiting a formal start date.

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

D15 Acting-up 4

Question:

Within the waste collection service how many staff have been asked to ‘act-up’ into a role above their substantive pay-grade since the commencement of industrial action on 29 December 2018?

Answer:

No new act ups have been put in place since the commencement of Industrial Action on 29th December 2018.

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

D16 Promotions

Question:

Within the waste collection service since the commencement of industrial action on 29 December 2018 how many members of staff have been permanently promoted, or offered promotion? (i.e. from G2 loader to G3 WRCO, or from G3 WRCO to G4 Driver)

Answer:

No staff have been permanently promoted or offered promotion since the 29th December 2018.

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

D17 Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

Unite
GMB

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

D18 Collection Crew

Question:

What is the minimum requirement in terms of composition of different grades of staff that is needed for a waste collection vehicle to be able to go out on its round? (i.e. is it 1 driver, 1 WRCO and 1 loader or is there more flexibility to go with just 2 crew members or 2 loaders plus driver rather than an WRCO on each round?)

Answer:

The Memorandum of Understanding states a refuse crew should be made up of 1x Driver, 1x WRCO and 1x Loader.

With container crews this consists of 1x Driver and 1x WRCO with no Loader.

We must comply with this legal requirement.

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

D19 Strike Contingency Plan

Question:

Your email of 22 December to all members stated that “In the event of industrial action citizens will receive one collection of all waste types per week, rather than separate pick-ups for household rubbish and recycling on their current collection day” Public communication reiterated this point, but this was later amended to state that waste and recycling should still be separated by households and a number of ‘contaminated’ bins were not collected.

Given you presumably agreed the original contingency plan, and drafted the email to councillors referred to above, at what point did you change your mind (and why) and decide that recycling and residual waste should be kept separate?

Answer:

Prior to the commencement of the industrial action it was felt that in the event of strike action the most expedient way to reduce the amount of waste on the streets of Birmingham and for the most efficient use of additional resources would be for a single collection of residual and recycling.

What has transpired is that crews are working to rule meaning that they are still undertaking their normal duties and therefore the additional resources are being directed to non-collections irrespective of whether those are residual or recycling.

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

D20 11 December Cabinet

Question:

I understand that at the Cabinet Meeting of 11 December, you had to leave the room during the decision on Council Run Day Nurseries for an important phone call. For the avoidance of doubt, can you clarify how you would have voted had you been present?

Answer:

Given that the decision was taken by Cabinet and has been implemented, the way I would have voted is now irrelevant.

WRITTEN QUESTION TO THE CABINET MEMBER FOR CLEAN STREETS, WASTE AND RECYCLING FROM COUNCILLOR EWAN MACKEY

D21 Twixtmas Collections

Question:

Other than emailing council members what publicity took place to advise residents that collections would take place on weekend of 29/30th December to give them the chance to put their bins out?

Answer:

The contingency plan was confirmed on 21 December 2018. To publicise the plan a press release was issued to local media (print, broadcast and online) and followed up with phone calls to reporters.

Messages publicising the plan were also issued through the corporate social media channels (Twitter and Facebook). This meant that c.90,000 people across the city received the message.

The Council's website hosted the details of the plan but because the site as a whole gets in excess of 2m unique visitors a month a link to the contingency plan was placed across the whole of the website. This received 6,913 clicks in the week after the information was published.

The message about the contingency plan was received and acted on by a significant number of people. For example the number of unique visitors to the page hosting the contingency plan increased from 3,728 unique visitors (w/c 10/12/18) to 15,230 unique visitors (17/12/18) to 49,518 unique visitors (w/c 24/12/18). This represents an increase of 1,328% from w/c 10/12/18 to w/c 24/12/18.

The plan continues to be promoted through the Council's corporate social media accounts and other communication channels such as the fortnightly email 'Birmingham Bulletin', which is sent to 82k subscribers. The last edition was sent on 28 December 2018.

A briefing was also shared with contact centre staff and information was published on the Council's Yammer site to help ensure as many people as possible were aware of the plan.

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

D22 Hygiene on waste rounds

Question:

If, as part of ‘working to rule’, waste collections crews have to return to the depot for breaks in order to access hand washing facilities, does that mean that the rest of the time they are breaching health and safety requirements by not returning to the depot? If not then why not?

Answer:

Prior to the industrial action crews were taking their breaks ‘on the patch’. By remaining out on the patch they are not breaching health and safety as they have the option of using sterile hand wipes, gels and sinks on vehicles, where available. Crews have also been issued with lists of Council properties where they are able to use the facilities if required. All crews have been given toolbox talks on hand washing and hygiene.

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

D23 Clinical Waste

Question:

Can you please provide copies of all procurement decisions relating to Clinical Waste since 2012?

Answer:

There have been no procurement decisions relating to Clinical Waste since 2012.

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR ZAKER CHOUDHRY

E1 Waste Service Review - Time to Read Papers (2)?

Question:

According to the Waste Service Governance Review, decision makers must read all the papers that have been provided and that are relevant to the decision they are about to make. Failure to do so, out of laziness, insufficient time or a belief that they are irrelevant would be a breach of their duty.

Given that Cabinet agendas are typically 1,000 pages long – and often include significant reports that arrive late – could you inform Council of how much time you set aside in your diary to read these papers?

Answer:

As much time as is necessary.

WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS AND CULTURE FROM COUNCILLOR SIMON MORRALL

E2 Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

None

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES
FROM COUNCILLOR ZAKER CHOUDHRY**

F1 Waste Service Review - Time to Read Papers (1)?

Question:

According to the Waste Service Governance Review, decision makers must read all the papers that have been provided and that are relevant to the decision they are about to make. Failure to do so, out of laziness, insufficient time or a belief that they are irrelevant would be a breach of their duty.

Given that Cabinet agendas are typically 1,000 pages long – and often include significant reports that arrive late – could you inform Council of how much time you set aside in your diary to read these papers?

Answer:

As much time as is necessary.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES
FROM COUNCILLOR BABER BAZ**

F2 Waste Review - Continue as a Member of the Cabinet

Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who “collectively” failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017 you confirmed in writing that you “agreed to support” a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August, and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a Cabinet Member.

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

F3 Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

I am a member of University and College Union (UCU) and I am not sponsored by any Trade Union.

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

F4 Zero Hours Contracts

Question:

Is anyone in the Council employed on a zero hours contract?

Answer:

Yes, in roles where the work is ad hoc, such as Adult Education Tutors and Clerks to Governing Bodies, however these are not exploitative zero hours contracts.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES
FROM COUNCILLOR DEBBIE CLANCY**

F5 Sickness Absence Policy during industrial action

Question:

Does the Council require any additional sickness absence reporting arrangements during periods of industrial action (e.g. a doctor's note from the first day of absence as is common elsewhere) and is this consistent across different council services and different disputes?

Answer:

Yes, during strike action the council consistently applies that if employees are absent due to sickness a medical 'fit note' must cover the absence, even if it is for one day only.

If there is industrial action short of strike, then employees are not actually on strike.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
FROM COUNCILLOR ZAKER CHOUDHRY**

G1 Waste Review - Continue as a Member of the Cabinet (4)

Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who “collectively” failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017 you confirmed in writing that you “agreed to support” a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August, and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a Cabinet Member.

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

G2 Fairways

Question:

Since the 16+ budget decision to close 2 day centres, one of which was later identified as Fairways, how much has been spent in total on the failed attempts to close the centre, including costs of the consultations, cost of legal action etc.

Answer:

The exact costing relating to the Budget Decision Implementation work have not been tracked or recorded. Previous Cabinet Questions relating to previous Papers on the Younger Adult Day Centres Consolidation recorded the Officer time spent in Consultation and Meetings which was extensive. Costs have been through Officer time and established budgets in the main. The legal proceedings are not yet resolved and it is therefore not possible at this time to provide the cost associated to this.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
FROM COUNCILLOR EDDIE FREEMAN**

G3 Day Opportunities Strategy

Question:

Following the judicial review what is the net impact on the Council's revenue budget in both 18/19 and 19/20 of any changes or delays needed to the Day Opportunities Strategy and the Fairways Day Centre?

Answer:

There has not been a Judicial Review.

On the 18th October 2018 the Council was issued with proceedings from a claimant preventing implementation of the Day Opportunity Strategy on the grounds of failure to consult. The Council accepted this position. There is no impact on the revenue budget of this.

On the 1st November 2018 the Council was issued with an Interim Order preventing the Council from taking any further action to close Fairway Day Centre or any action that may impact on closure such as staff redeployment or service user moves. The Claim was late but approved by the High Court pending a Judicial Review Challenge based on failure to Consult. The consequence of the order is that the Cabinet decision of July 2018 has been quashed by the Court.

There is no net impact on the revenue budget for 18/19 and 19/20 as a consequence of this decision.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
FROM COUNCILLOR DEBBIE CLANCY**

G4 Fairways

Question:

For how long can users of the Fairways Day Centre now be confident that it will remain open?

Answer:

The work to close Fairway day centre has now stopped.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
FROM COUNCILLOR EWAN MACKEY**

G5 Enablement Service – Zero Hours

Question:

In order to put to rest troubling suggestions made in online forums, can the Cabinet Member confirm if any employees within the Enablement Service are currently on, or have been asked to move onto a zero hours contract?

Answer:

There are no staff on zero hours contract and no plans to employ staff on zero contracts within Adult Social Care.

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

G6 Enablement Service – Benchmark of Costs

Question:

What is the hourly rate of the current and proposed enablement service compared to national benchmarks in the public and private sector?

Answer:

The hourly rate for the current service is £62.02 per hour and £46.00 for the proposed enablement service. Benchmarking suggests that enablement costs range across the country from as little as £11 per hour for externally commissioned services in one authority and as much as £38 per hour for internal services in another.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE FROM COUNCILLOR SIMON MORRALL

G7 Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

GMB

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL
CARE FROM COUNCILLOR ADAM HIGGS**

G8 Fairways and Day Opportunities Strategy

Question:

What were the full terms of the Council's settlement for the judicial review into the closure of the Fairways Centre and the Day Opportunities Strategy?

Answer:

These matters are not yet finalised and therefore I am unable to report on these in full as requested.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR SIMON MORRALL**

H Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

Unison

**WRITTEN QUESTION TO THE CABINET MEMBER FOR SOCIAL INCLUSION,
COMMUNITY SAFETY AND EQUALITIES FROM COUNCILLOR ZAKER CHOUDHRY**

I1 Waste Review - Continue as a Member of the Cabinet (3)

Question:

According to the Waste Service Governance Review, published last month, you were among a number of Cabinet Members who “collectively” failed to challenge the former Leader on his proposed ACAS settlement to the 2017 bin strike. Indeed, in September 2017, you confirmed in writing that you “agreed to support” a decision attributed to the Cabinet on 17th August 2017. In the light of the findings of the review and the detrimental impact of the actions taken by Cabinet Members on 17th August and by the former Leader, do you consider it appropriate for you to continue as a member of the Cabinet?

Answer:

I refute the allegations made in the question and believe it is wholly appropriate for me to continue as a cabinet member

**WRITTEN QUESTION TO THE CABINET MEMBER FOR SOCIAL INCLUSION,
COMMUNITY SAFETY AND EQUALITIES FROM COUNCILLOR SIMON MORRALL**

I2 Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

GMB

Sponsorship 2012 election from UNITE

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

J1 Perry Barr Flyover - Costs Extensive Modelling Work

Question:

Could the Cabinet Member spell out the costs, explaining how it is funded, for the extensive “modelling” work that has been undertaken over the last six months in pursuit of the administration’s ambition to demolish the Perry Barr flyover?

Answer:

An external consultant was commissioned in Spring 2018 to develop options for the A34/A453 junction that is required to be modified as part of the proposed residential development. The commissioned work included traffic modelling.

The cost of the modelling work, which is ongoing, is £37,000 and is funded from Government Infrastructure Grant. The modelling work is a key element of the options development work and necessary to provide traffic data outputs to enable Cabinet to decide which option to take forward.

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

J2 Waste Service Review - Time to Read Papers (3)?

Question:

According to the Waste Service Governance Review, decision makers must read all the papers that have been provided and that are relevant to the decision they are about to make. Failure to do so, out of laziness, insufficient time or a belief that they are irrelevant would be a breach of their duty.

Given that Cabinet agendas are typically 1,000 pages long – and often include significant reports that arrive late – could you inform Council of how much time you set aside in your diary to read these papers?

Answer:

As much time as is necessary.

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

J3 Bus Lane Scheme - Meet Ward Cllrs and Delivery - When and How?

Question:

In a press statement on 21st December, the Cabinet Member announced he had been in “regular” contact with Transport for West Midlands about a bus lane scheme on the A34 that would be “acceptable to local residents.” This was a welcome surprise to local residents given the answers he had given in public questions to them in the Council Chamber and, I understand, at a private meeting he attended at the Towers Public House on Saturday, 18th December. This followed my oral question at the Council meeting the previous Tuesday but, curiously, I was not notified of it. Given that he has stated he is unavailable to attend the ward forum later this month, when will he meet the Ward Councillors to discuss what sort of scheme will be acceptable to local residents and how is he going to deliver it?

Answer:

The Sprint scheme on Walsall Road will be delivered by Transport for the West Midlands on behalf of the West Midlands Combined Authority. A legal agreement will be required between the City Council and WMCA prior to work commencing.

Meetings are to be arranged shortly with TfWM, to discuss how the scheme can be developed to mitigate residents’ concerns where possible, and the final proposals will be subject to a Full Business Case to Cabinet in Summer 2019. Ward Councillors and Residents’ Groups will be kept informed during the design development process.

A meeting is scheduled for 24 January to meet Councillor Jan regarding highway options for the CWG. This can include the Sprint scheme and Councillor Hunt is welcome to attend.

I am also attending the Perry Barr Ward Forum on 20 February 2019 when this will be discussed.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR TIM HUXTABLE

J4 Highways PFI Milestones Payments

Question:

Could the Cabinet Member confirm that payments were made under the Highways Management and Maintenance PFI partnership with AMEY up to and including December 2012 (milestone 5) following the sign-off by city council officers managing the contract that the work under these milestones met the performance criteria and that it was only from June 2013 (milestone 6) that payment has been withheld because of performance issues under the contract?

Answer:

1. Under the Highway Maintenance and Management PFI (HMMPFI) contract the completion of Milestones during the Core Investment Period is certified by an Independent Certifier (“IC” – which is WS Atkins). The IC determines whether a milestone is achieved contractually and both parties are bound by the contract to adhere to the IC’s certification.
2. The IC certified Milestones 1 to 9 following application by Amey Birmingham Highways Ltd (ABHL) between November 2010 and March 2015. Uplifts in payment were only made following the certification of Milestones.
3. In common with most contracts, the HMMPFI contract has provisions that enable the parties to dispute matters (the “Dispute Resolution Procedure” or “DRP”). The DRP is three stage:
 - a. For the parties to seek to agree the matter between themselves;
 - b. To appoint an Adjudicator to determine the matter; or
 - c. To refer the matter to either the courts (on points of law) or arbitration.
4. Payments have been withheld from ABHL for “performance issues” essentially in connection with two forms of performance issue:
 - a. Failure to complete Core Investment Milestones; and
 - b. Failure to meet performance targets for a range of non-investment-related matters.
5. Regarding the failure to complete Core Investment Milestones:
 - a. Following an adjudication outcome in July 2015 (which set aside Milestones 6 to 9) the council commenced withholding the uplift in respect of those four Milestones from the next payment (August 2015). This was in accordance with the contract.

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

J5 Union Membership

Question:

For clarity, given Executive Members frequently have to deal with employee related matters, can you please state which Trade Unions you have any affiliation with, including membership and sponsorship?

Answer:

I am a member of Unite union.

I do not receive any direct sponsorship.