

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

BIRMINGHAM CITY COUNCIL

CITY COUNCIL

TUESDAY, 07 NOVEMBER 2017 AT 14:00 HOURS
IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING

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

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2 MINUTES

To confirm and authorise the signing of the Minutes of the Meeting of the Council held on 12 September 2017.

3 LORD MAYOR'S ANNOUNCEMENTS

(1400-1410)

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

4 PETITIONS

(15 minutes allocated) (1410-1425)

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

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

5 EXEMPTION FROM STANDING ORDERS

Councillor Diane Donaldson to move an exemption from Standing Orders.

6 **APPOINTMENT OF THE LEADER OF THE COUNCIL**

(1425-1430)

To appoint Councillor Ian Ward as the Leader of the City Council, pursuant to Appendix 1 of the City Council's Constitution, until the Annual Meeting 2018 (or for up to the end of his term of office as a Member whichever is the shorter).

7 **LEADER'S ANNOUNCEMENT OF CABINET MEMBERS**

(1425-1430)

101 - 120

8 **CONSTITUTIONAL CHANGES**

(10 minutes allocated) (1430-1440)

A report will follow.

9 **QUESTION TIME**

(90 minutes allocated) (1440-1610)

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

A. Questions from Members of the Public to any Cabinet Member, Assistant Leader, District Committee Chairman or Ward Forum Chairman (20 minutes)

B. Questions from any Councillor to a Committee Chairman, Lead Member of a Joint Board or Ward Forum Chairman (20 minutes)

C. Questions from Councillors other than Cabinet Members and Assistant Leaders to a Cabinet Member or Assistant Leader (25 minutes)

D. Questions from Councillors other than Cabinet Members and Assistant Leaders to the Leader or Deputy Leader (25 minutes)

121 - 122

10 **APPOINTMENTS BY THE COUNCIL**

(5 minutes allocated) (1610-1615)

To make appointments to, or removals from, committees, outside bodies or other offices which fall to be determined by the Council as set out in the attached schedule.

123 - 126

11 **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

(90 minutes allocated) (1615-1815 inclusive of break)

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



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY 12 SEPTEMBER 2017 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Anne Underwood) in the Chair after the break.
Deputy Lord Mayor (Councillor Carl Rice) in the Chair until the break.

Councillors

Muhammad Afzal	Mohammed Fazal	Bruce Lines
Uzma Ahmed	Mick Finnegan	John Lines
Deirdre Alden	Des Flood	Mary Locke
John Alden	Carole Griffiths	Ewan Mackey
Robert Alden	Peter Griffiths	Majid Mahmood
Tahir Ali	Paulette Hamilton	Karen McCarthy
Sue Anderson	Andrew Hardie	Gareth Moore
Gurdial Singh Atwal	Roger Harmer	Yvonne Mosquito
Mohammed Azim	Kath Hartley	Brett O'Reilly
David Barrie	Barry Henley	John O'Shea
Bob Beauchamp	Des Hughes	David Pears
Kate Booth	Jon Hunt	Robert Pocock
Steve Booton	Shabrana Hussain	Victoria Quinn
Sir Albert Bore	Timothy Huxtable	Hendrina Quinnen
Barry Bowles	Mohammed Idrees	Habib Rehman
Randal Brew	Zafar Iqbal	Fergus Robinson
Marje Bridle	Ziaul Islam	Gary Sambrook
Mick Brown	Morriam Jan	Rob Sealey
Alex Buchanan	Kerry Jenkins	Mike Sharpe
Andy Cartwright	Meirion Jenkins	Sybil Spence
Tristan Chatfield	Simon Jevon	Claire Spencer
Zaker Choudhry	Julie Johnson	Stewart Stacey
Debbie Clancy	Brigid Jones	Sharon Thompson
Liz Clements	Carol Jones	Paul Tilsley
Lyn Collin	Josh Jones	Karen Trench
Maureen Cornish	Nagina Kauser	Lisa Trickett
John Cotton	Tony Kennedy	Margaret Waddington
Basharat Dad	Ansar Ali Khan	Ian Ward
Phil Davis	Changese Khan	Mike Ward
Diane Donaldson	Mariam Khan	Fiona Williams
Peter Douglas Osborn	Narinder Kaur Kooner	Alex Yip
Barbara Dring	Chaman Lal	Waseem Zaffar

Neil Eustace

Mike Leddy

NOTICE OF RECORDING

- 18888 The Deputy Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where there are confidential or exempt items.
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INTERIM APPOINTMENT OF LEADER OF THE COUNCIL

The Deputy Lord Mayor advised the meeting that following yesterday's resignation of Councillor John Clancy as Leader of the Council, he was to call upon Councillor Stewart Stacey to move an appropriate Motion which was seconded by Councillor Brigid Jones.

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 1)

NB The documents have been amended to show that Councillor Ian Cruise had not taken part in the voting as he was not in attendance.

Therefore, the total results referred to in the interleave should read:-

Yes – 58 (For the Motion);

No – 25 (Against the Motion);

Abstain – 8 (Abstentions).

It was therefore –

- 18889 **RESOLVED:-**

That the City Council confirms the interim appointment of Councillor Ian Ward as Leader of the Council pending a permanent appointment at a future meeting.

MINUTES

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

18890 **RESOLVED:-**

That the Minutes of the meeting of the City Council held on 11 July 2017, having been printed and a copy sent to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

18891 There were no announcements to be made.

PETITIONS

Petitions Relating to City Council Functions Presented at the Meeting

The following petitions were presented:-

(See document No 2)

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

18892 **RESOLVED:-**

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

Petitions Update

The following Petitions Update was submitted:-

(See document No 3)

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

18893 **RESOLVED:-**

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

QUESTION TIME

18894 The Council proceeded to consider Oral Questions in accordance with Standing Order 9

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

During question time Councillor Gareth Moore as a point of order asked if the unallocated time for parts A and B (30 Minutes) could be allocated to parts C and D. The Deputy Lord Mayor indicated that he generally did that at all meetings.

At the conclusion of part C of oral questions Councillor Jon Hunt queried why the written questions and answers had not been circulated around the Chamber. The Deputy Lord Mayor indicated that the questions were still being printed and following further consideration the Deputy Lord Mayor indicated that he would adjourn the meeting to allow time for the written questions to be circulated/mailed to Members.

At 1450 the meeting was adjourned.

At 1520 the meeting was reconvened.

At the invitation of the Deputy Lord Mayor, the Interim Leader, in response to a question from Councillor Sir Albert Bore seeking clarification as to the accuracy of the answers to the questions, explained that the answers given to the questions in section A had been provided by the former Leader. He particularly drew Members attention to the answer to written question A1 which he believed was factually incorrect.

Councillor Stewart Stacey sought guidance as he felt that that the answer to written question A1 was in variance with the answer he had provided in written question J1 and verbally to Councillor Alex Yipp earlier in the meeting which could be used against him in the future. The Deputy Lord Mayor indicated that any Member who had similar concerns should email the City Solicitor who would advise on any action that needed to be taken.

Question time continued.

APPOINTMENTS BY THE COUNCIL

The following schedule was submitted:-

(See document No 4)

The Interim Leader, Councillor Ian Ward, responded to queries from Councillors Randal Brew and Robert Alden relating to when he intended to appoint a Deputy Leader.

There being no further nominations it was -

18895 **RESOLVED:-**

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

<u>Body</u>	<u>Representative</u>
<u>Independent Remuneration Panel</u>	David Grainger to be reappointed for the term of office 1 September 2017 – 31 August 2021.
<u>Schools, Children's and Families Overview and Scrutiny Committee</u>	Councillor Mike Sharpe to replace Councillor Nagina Kauser for the remainder of the 2017/2018 Municipal Year. Adam Hardy to replace Richard Potter as the Roman Catholic Diocese representative.
<u>Association of Councillors</u>	Councillor Diane Donaldson to replace Councillor Julie Johnson for the period ending May 2020.

EXEMPTION FROM STANDING ORDERS

18896 The Deputy Lord Mayor advised that there were no exemption from Standing Orders required.

REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Impact of Poor Air Quality on Health

The following report of the Health and Social Care and Economy, Skills and Transport Overview and Scrutiny Committees together with a commentary from the Executive was submitted:-

(See document No 5)

Councillor John Cotton moved the motion which was seconded by Councillor Sue Anderson:-

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

(See document No 6)

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

A debate ensued.

Councillor John Cotton 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.

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

(See document No 7)

NB The documents have been amended to show that Councillor Barry Henley had voted against the amendment and had not abstained.

Therefore, the total results referred to in the interleave should read:-

Yes – 26 (For the amendment);

No – 60 (Against the amendment);

Abstain – 4 (Abstentions).

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 -

18897 **RESOLVED:-**

That recommendations R01 to R15 be approved, and that the Executive be requested to pursue their implementation.

ADJOURNMENT

It was moved by the Deputy Lord Mayor, seconded and

18898 **RESOLVED:-**

That the Council be adjourned until 1730 hours on this day.

The Council then adjourned at 1705 hours.

At 1730 hours the Council resumed at the point where the meeting had been adjourned.

The Lord Mayor, Councillor Anne Underwood, assumed the Chair for the remainder of the meeting. She noted that she had just come from a successful ceremony with His Royal Highness the Duke of Gloucester presenting MBEs and BEMs and all involved had been impressed with the Council house and how they had been treated.

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

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

Prior to beginning the item Councillor Alex Yip rose on a point of order and asked whether, given the involvement of Unite in the matter to be discussed, Members should declare an interest in accordance with Departments for Communities and Local Government's guidance 'Openness and Transparency on Personal interests'.

The Lord Mayor indicated that Members would indeed have to declare an interest if they were in a union and a pecuniary interest if they had received funding for elections. The Lord Mayor asked for the following motion to be moved and seconded:-

"That, in accordance with paragraph 6 (2) of the Constitution relating to the declaration of interests, page 73, and paragraph 14 regarding dispensations, page 78, that those Members of Council who are members of Unite the union be granted a dispensation approved in the case of urgency by the Independent Chair, Peter Wiseman, in order that they can participate in debate and vote where appropriate at full Council. The grounds for this dispensation are that the representation of different political groups on the decision making body would be so upset as to alter the likely vote on the matter before it."

The Lord Mayor responded appropriately to queries from Councillor Robert Alden and the Interim Leader Councillor Ian Ward.

Councillor Sir Albert Bore moved the Motion which was seconded by Councillor Paul Tilsley.

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 -

18899

RESOLVED:-

That, in accordance with paragraph 6 (2) of the Constitution relating to the declaration of interests, page 73, and paragraph 14 regarding dispensations, page 78, that those Members of Council who are members of Unite the union be granted a dispensation approved in the case of urgency by the Independent Chair, Peter Wiseman, in order that they can participate in debate and vote where appropriate at full Council. The grounds for this dispensation are that the representation of different political groups on the decision making body would be so upset as to alter the likely vote on the matter before it.

Members then declared interests as follows

City Council – 12 September 2017

Councillor	Union	Interest
Carl Rice	Unite	Non-Pecuniary
Ian Ward	Unite	Pecuniary-in a number of trade unions
Mohammed Idrees	Unite	Non-Pecuniary
Hendrina Quinnen	Unite	Non-Pecuniary
Gurdial Singh Atwal	Unite	Non-Pecuniary
Chaman Lal	Unite	Non-Pecuniary
Rob Pocock	Unite	Non-Pecuniary
Zafar Iqbal	Unite	Non-Pecuniary
Lisa Trickett	GBM	Possible Pecuniary-partner is a Director of firm taking trade union legal action
Brigid Jones	Unite	Non-Pecuniary
Mary Lock	Unison	Pecuniary-Election campaign funding
Tony Kennedy	Unite	Non-Pecuniary
Andy Cartwright	Unite	Non-Pecuniary
Waseem Zaffar	Unite	Non-Pecuniary
Claire Spencer	Unite	Non-Pecuniary
Kath Hartley	Unite	Non-Pecuniary
John O'Shea	Unite	Pecuniary-2012 election campaign
Barbara Dring	GMB	Non-Pecuniary
Mike Leddy	Unite	Pecuniary-Part funded election campaign
Diane Donaldson	Unite/Unison	Non-Pecuniary
Majid Mahmood	Unite	Non-Pecuniary
Stewart Stacey	Unite	Non-Pecuniary
Karen McCarthy	Unison	Pecuniary-2012 election campaign
Mick Brown	Unite	Non-Pecuniary
Ansar Ali Khan	Unite	Non-Pecuniary
Tristan Chatfield	Unite	Pecuniary-2012 election campaign
Josh Jones	Unite	Non-Pecuniary-Indicated that his girlfriend was in Unison and he had been Jack Dromey MP's election agent in 2015 and 2017 and the MP worked for Unite
Carole Griffiths	GMB	Non-Pecuniary
Peter Griffiths	GMB	Non-Pecuniary
Marje Bridle	Unison	Non-Pecuniary
Ziaul Islam	Unison	Non-Pecuniary
Mick Finnegan	Unison	Non-Pecuniary
Liz Clements	Unison	Non-Pecuniary

A. Councillors Deidre Alden and Gary Sambrook have given notice of the following Motion:-

(See document No 8)

Councillor Deidre Alden moved the Motion, which was seconded by Councillor Gary Sambrook.

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

(See document No 9)

Councillor Robert Alden moved the amendment which was seconded by Councillor Randal Brew.

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

(See document No 10)

Councillor Roger Harmer moved the amendment which was seconded by Councillor Neil Eustace.

In accordance with Council Standing Orders, Councillors Ian Ward and Lisa Trickett gave notice of the following amendment to the Motion:-

(See document No 11)

Councillor Ian Ward moved the amendment which was seconded by Councillor Lisa Trickett.

A debate ensued.

THE QUESTION BE NOW PUT

Councillor Diane Donaldson proposed the following Motion which was seconded:-

‘That the question be now put.’

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

18900

RESOLVED:-

That the question be now put.

Councillor Deirdre Alden 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.

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

(See document No 12)

The total results referred to in the interleave are:-

Yes – 33 (For the amendment);

No – 59 (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.

The third 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 -

18901 **RESOLVED:-**

The Council recognises that a key priority for citizens of Birmingham is cleaner streets.

The Council further recognises that the resolution of the current industrial dispute is essential for achieving cleaner streets in Birmingham.

EXTENSION OF TIME

18902 Councillor Mike Ward proposed the following Motion which was seconded:-

‘That the time for consideration of the item be extended by 15 minutes.’

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

B. Councillors Paul Tilsley and Jon Hunt have given notice of the following Motion:-

(See document No 13)

Councillor Paul Tilsley moved the Motion, which was seconded by Councillor Jon Hunt

A debate ensued.

Councillor Paul Tilsley 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 –

18903 **RESOLVED:-**

This Council believes that much of the atmospheric pollution is caused during morning and evening "rush hours" and could be eased if motorists switched off their engines, when at traffic lights, known traffic problem sites and parents waiting to pick up children from school.

It will support a campaign in the following terms:

Stopped for more than a minute!

Don't be an idler, switch off your engine when stationary, loading or waiting at the roadside. Do the right thing, help to make Birmingham greener, save lives and put a stop to idling engines and atmospheric pollution.

The meeting ended at 1858 hours.

APPENDIX

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

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

A1 ACAS Statement - which Cabinet members were involved

Question:

The ACAS statement of Wednesday, 16th August 2017, states that "Birmingham City Council Cabinet members have agreed in principle..." Which other Cabinet members were involved?

Answer: (Response provided by Councillor John Clancy)

Every Cabinet Member was involved in reaching the agreement in principle.

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

A2 Decision Letter to Depot Managers from Leader

Question:

Can the Leader confirm reports that he signed a letter to depot managers on August 18th referring to a 'decision' of the City Cabinet the previous evening, indicating, if so, where and when this Cabinet meeting took place?

Answer: (Response provided by Councillor John Clancy)

The email referred to an informal meeting of Cabinet Members, not a formal Cabinet Committee meeting.

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

A3 Discussions with Unite

Question:

Could the Leader give details of when he had discussions with Unite between 16th August and 1st September, stating what other individuals were involved eg ACAS arbitrators?

Answer: (Response provided by Councillor John Clancy)

I was not personally involved in discussions between these dates.

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

A4 Discussions with Unite Officials

Question:

Could the Leader state what discussions he had with Unite officials between 16th August and 1st September?

Answer: (Response provided by Councillor John Clancy)

I was not personally involved in discussions between these dates.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
SUE ANDERSON**

A5 Low Figure for Clearing Rubbish

Question:

According to the paper tabled to Cabinet on 24th August, and not discussed by Cabinet, the Council spent just £21,000 a week during July in clearing the rubbish left by the refuse collectors' strike from the streets. Does he consider this rather low figure suggests his response to crisis was extremely slow?

Answer: (Response provided by Councillor John Clancy)

Please see answer E31 in response to your question.

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

A6 Commonwealth Games

Question:

On 15 August 2017, a late report on the Commonwealth Games was submitted to Cabinet with no reasons for lateness or urgency listed in the heading of the report. According to Section B12 1B of the Constitution the Chair of the meeting should use this information ‘to decide if special circumstances for lateness do exist as outlined in the heading to the report and proceed if appropriate or otherwise postpone consideration of the report to the next meeting.’

In the absence of the relevant public information in the heading of the report in accordance with the Constitution, how did you as Chair of the Cabinet Committee reach your decision to allow this report to proceed?

Answer: (Response provided by Councillor John Clancy)

As stated by Deputy Leader at the Cabinet meeting, the reason for urgency and lateness was set out in paragraph 1.9 of the report.

The deadline we were working to for the submission of bids was imminent, and what a good job we managed to take the report through when we did, or we might not have had the wonderful news we received on Thursday 7th September that Birmingham has successfully been chosen as the UK city to go through to the next round! I am sure you will join me in congratulating the team involved in our successful bid.

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

A7 Meetings

Question:

How many times and on what dates have you met personally with Unite the Union to discuss a resolution to the current industrial action within the waste collection service?

Answer: (Response provided by Councillor John Clancy)

In order to attempt to resolve a very difficult industrial dispute, I spoke on a number of occasions with union officials at both a local and national level.

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

A8 Legal Advice

Question:

What was the cost of the legal advice the Leader sought from David Lock QC?

Answer: (Response provided by Councillor John Clancy)

The final bill for external legal costs will be reported in due course

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

A9 Equal Pay Liabilities

Question:

On what dates since January 2017 have you been provided with briefings on the potential for equal pay liabilities in relation to reorganisation of the waste collection service?

Answer: (Response provided by Councillor John Clancy)

I have been provided with briefings on equal pay liabilities stemming from the 2011 waste management reorganisation approved by the former Conservative/Liberal Democrat coalition - the most recent and detailed of which was provided on 29 August 2017.

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

A10 Disciplinary Hearings

Question:

On taking office, the Leader promised the Improvement Panel and the Council that his leadership style would be more outward looking and strategic, giving the Chief Executive and senior managers the space and responsibility to manage delivery of the Council's agreed plans and day to day business. Does he believe that decisions over the disciplinary proceeding against an individual member of staff fall into the category of 'outward looking and strategic' or 'day to day business'?

Answer: (Response provided by Councillor John Clancy)

Attempting to resolve a difficult industrial dispute falls into both categories.

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

A11 Legal Advice 2

Question:

With whom has the legal advice that the Leader sought from David Lock QC regarding the industrial dispute been shared?

Answer: (Response provided by Councillor John Clancy)

With Cabinet Members and senior management.

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

A12 Confidential Information

Question:

Will the Leader publish the legal advice provided to him by David Lock QC regarding the industrial dispute? If the advice is subject to Legal Professional Privilege and so cannot be made available publicly, can he share it with elected Members on a confidential basis?

Answer: (Response provided by Councillor John Clancy)

This advice is confidential and subject to legal and professional privilege.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
DES FLOOD**

A13 Framework

Question:

What procurement framework/process was used to commission the legal advice from David Lock QC?

Answer: (Response provided by Councillor John Clancy)

There is no information available on this at this time.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ANDREW HARDIE**

A14 Council Matters

Question:

Has the Leader sought any other* legal advice regarding Council matters without going through the Council's legal team? (*other than that from David Lock QC regarding the current industrial action within the waste collection service.)

Answer: (Response provided by Councillor John Clancy)

No.

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

A15 ACAS Meetings

Question:

How many meetings, out of how many held in total, between the Council and ACAS have you attended personally?

Answer: (Response provided by Councillor John Clancy)

Meetings are ongoing. I have personally met with ACAS officials twice.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
TIMOTHY HUXTABLE**

A16 Report on Waste Collection

Question:

How many hours before the Cabinet meeting of 24 August 2017 did you first discuss with any other Cabinet Member or Officer your intention to seek to defer the report on waste collection, which members of the press, public, unions and staff groups had travelled to the council house to see discussed?

Answer: (Response provided by Councillor John Clancy)

A meeting took place between Cabinet Members and Counsel in the two hours prior to the start of the Cabinet meeting on 24 August. It was decided that, to properly reflect on the advice given at that meeting, it would be necessary to defer the report.

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

A17 Statements

Question:

Given the numerous statements from Unite praising you for the 'deal' they believe had been struck, and further criticising the Chief Executive for trying to 'scupper' that deal, why did you not make any statement until the 1 September saying that no such deal had been agreed and that Unite were wilfully misinterpreting your position?

Answer: (Response provided by Councillor John Clancy)

Birmingham City Council issued a statement regarding the agreement in principle on Wednesday 16 August 2017.

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

A18 Deal

Question:

Given the numerous statements from Unite praising you for the 'deal' they believe had been struck, and further criticising the Chief Executive for trying to 'scupper' that deal, did you at any point prior to 1 September contact Unite or ACAS personally to clarify your position?

Answer: (Response provided by Councillor John Clancy)

Birmingham City Council issued a statement regarding the agreement in principle on Wednesday 16 August 2017.

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

A19 Minutes

Question:

Were minutes taken of your meeting with Unite and ACAS and if so will you publish these so that the public can decide for themselves whether Unite 'wilfully misinterpreted' what you offered?

Answer: (Response provided by Councillor John Clancy)

I personally did not take minutes.

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

A20 Statements

Question:

When Unite issued statements praising you and criticising the chief executive for the report originally published for the cabinet meeting on 24 August, did you personally at any point prior to 1 September, privately or publicly contact Unite to defend the Chief Executive and ask them to withdraw their 'scandalous' attacks against her? Please include when and what was said.

Answer: (Response provided by Councillor John Clancy)

I personally spoke to the interim Chief Executive, making it clear that I found the personal criticism unacceptable.

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

A21 Interview

Question:

Your Cabinet Member stated in a BBC interview on the bin strike that the 'deal agreed was regrettable' but speaking to the same broadcaster 2 hours later you stated the 'deal was never there.' Who was correct?

Answer: (Response provided by Councillor John Clancy)

Having checked a transcript of the interview, I do not agree the Cabinet Member said that the agreement in principle was regrettable.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
FERGUS ROBINSON**

A22 Meeting

Question:

Following your meeting with ACAS and Unite on 16 August what specifically did you feedback to officers on what had been agreed? Please include the exact wording used to ensure your message cannot be misinterpreted (wilfully or otherwise).

Answer: (Response provided by Councillor John Clancy)

Birmingham City Council cabinet members have agreed in principle that the grade 3 posts will be maintained. Consequently there are no redundancy steps in place.

In addition the parties will now look to discuss, through ACAS, how the service can be improved, with the intention of improving efficiencies in performance of the bin collection service generally, including what savings can be made, and specifically how best the current Grade 3 roles can now be maintained and developed so that they take forward the ambition to deliver cleaner streets and align to wider Total Place principles.

Unite have also agreed in principle to recommend to their members work pattern changes, including consideration of a 5 day working week. Both parties agree the working week should be designed to maximise service delivery.

To assist in the resolution of outstanding issues both parties will go to ACAS.

These discussions will be with the intention of incorporating any agreement as an amendment to the Waste Management Service Cabinet Report in September 2017.

Both parties are pleased to be recommencing industrial relations and pleased that the bin collection can resume without disruption.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ROB SEALEY**

A23 Wording

Question:

Following your meeting with ACAS and Unite on 16 August what specifically did you feedback to other Cabinet members on what had been agreed? Please include the exact wording used to ensure your message cannot be misinterpreted (wilfully or otherwise).

Answer: (Response provided by Councillor John Clancy)

Birmingham City Council and Unite the Union have today made sufficient progress in their talks for the Shop Stewards to pause industrial action.

Birmingham City Council cabinet members have agreed in principle that the grade 3 posts will be maintained. Consequently there are no redundancy steps in place.

In addition the parties will now look to discuss, through ACAS, how the service can be improved, with the intention of improving efficiencies in performance of the bin collection service generally, including what savings can be made, and specifically how best the current Grade 3 roles can now be maintained and developed so that they take forward the ambition to deliver cleaner streets and align to wider Total Place principles.

Unite have also agreed in principle to recommend to their members work pattern changes, including consideration of a 5 day working week. Both parties agree the working week should be designed to maximise service delivery.

To assist in the resolution of outstanding issues both parties will go to ACAS.

These discussions will be with the intention of incorporating any agreement as an amendment to the Waste Management Service Cabinet Report in September 2017.

Both parties are pleased to be recommencing industrial relations and pleased that the bin collection can resume without disruption.

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

A24 Video

Question:

Your video put out on the 1st Sept states the agreement agreed with ACAS was merely an agreement to 'sit round a table and talk'. From the Acas agreement on 16th August and 1st Sept please list all meetings you held with Acas and or unite including dates and length of meetings and who attended?

Answer: (Response provided by Councillor John Clancy)

Several meetings were held between Birmingham City Council, ACAS and/or Unite between 16 August and 1 September. The meetings were attended by a number of council, union and ACAS officials.

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

A25 E-mail

Question:

Your email to the depot managers of 18 August, leaked to the media, which instructed them to reinstate the suspended worker immediately referred to 'unusual circumstances' that meant you had to instruct them yourself rather than going through the senior officers as is normal protocol. What were those 'unusual circumstances' specifically?

Answer: (Response provided by Councillor John Clancy)

Efforts to resolve an industrial dispute do not constitute 'business as usual'. I was acting on legal advice.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
KEN WOOD**

A26 Communication

Question:

Prior to emailing the depot manager in 18 August instructing them to reinstate the suspended worker, did you first communicate with other officers? If so please provide a copy of that communication along with their response.

Answer: (Response provided by Councillor John Clancy)

I did contact senior officers. As the communication concerns an ongoing disciplinary matter it would not be appropriate to make it public.

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

A27 Statement

Question:

Did you personally agree – prior to its release - the statement put out by Acas on the 16 August regarding the agreement reached?

Answer: (Response provided by Councillor John Clancy)

Yes.

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

A28 Improvement Panel Letter

Question:

Since the last letter from the Improvement Panel to the Secretary of State on 4 August, what has been the nature and content of any conversations you have had with the panel, or any members of it, regarding the industrial dispute with Unite?

Answer: (Response provided by Councillor John Clancy)

No such conversations have taken place.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
MARGARET WADDINGTON**

A29 Information request

Question:

What information regarding the industrial dispute have the Independent Improvement Panel requested from the Council since 4 August 2017?

Answer: (Response provided by Councillor John Clancy)

I have not personally been asked to supply any information.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ALEX YIP**

A30 Brummie Bonds

Question:

Since 30 June 2017 how much of the money raised from the ‘Brummie Bonds’ issued to Phoenix Life has been spent*, including what is has been spent on?

***not including the £7.8m spent up to 30 June according to the answer to Written Question A3 at City Council on 11 July 2017**

Answer: (Response provided by Councillor John Clancy)

As described in the Answer A3 on 11 July 2017, the Phoenix loan finances part of the approved borrowing in the Financial Plan 2017+ capital programme. It meets part of the Council’s planned borrowing needs. Like almost all the Council’s borrowing, the Phoenix loan is not restricted to funding particular capital projects. In these circumstances it is not possible to relate spending on particular projects to individual borrowing instruments.

The Council’s capital programme for 2017/18 includes prudential borrowing for a number of projects, with the larger ones being the Enterprise Zone, non-HRA housing, and swimming pools and sports facilities. A further £4.5m has been spent to date on the above projects in addition to the £7.8m spent up to 30 June reported in the answer to Written Question A3.

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

A31 Breakdown

Question:

In your response to Written Question A2 at 11 July City Council, asking for the repayment structure for the ‘Brummie Bonds’, the figures you gave were for the bond amount only and excluded any interest payments or other fees associated with the Bond issue. Can you provide a full breakdown of what will be paid and when over the life time of the Bonds?

Answer: (Response provided by Councillor John Clancy)

The £45m loan from Phoenix comprises three separate agreements of £15m each as follows:

1. £15m repayable at maturity on 20 April 2035 plus interest at 2.292% of £343,800 per annum payable semi-annually;
2. £15m repayable at maturity on 20 April 2037 plus interest at 2.347% of £352,050 per annum payable semi-annually;
3. £15m repayable at maturity on 20 April 2041 plus interest at 2.443% of £366,450 per annum payable semi-annually.

The interest cost averages 0.16% below the equivalent PWLB certainty rate available to the Council.

The terms of these loans have now been reported in the Capital and Treasury Management Monitoring Quarter 1 report to Cabinet on 13 September 2017, in line with the Council’s treasury management reporting practice for new long term loans.

The only other costs associated with the loan are legal fees of £17,925 which were paid in May 2017.

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

A32 External Legal Advice

Question:

Broken down by the Officer or Member asking for the advice, what has been the total cost of external legal advice commissioned in relation to the equal pay liabilities arising from the industrial dispute within the waste collection service?

Answer: (Response provided by Councillor John Clancy)

I refer you to my answer to written question A8.

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

A33 Approval

Question:

Part 3, Section 6 of the Constitution requires that any ‘key decision’ not on the forward plan and held in private, has the agreement of the Chair of the relevant Overview and Scrutiny Committee that the report is urgent and cannot reasonably be deferred. Ahead of the Cabinet Meeting which apparently took place on 17 August 2017, at which you stated the deal with ACAS was agreed as a ‘key decision’ did you seek and receive approval from the Scrutiny Chair?

Answer: (Response provided by Councillor John Clancy)

No Cabinet Committee meeting took place on 17 August 2017.

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

B1 Overspend

Question:

What is the projected overspend on the 2017/18 directorate revenue budgets as of the end of August 2017?

Answer: (Response provided by Councillor Ian Ward)

The Month 4 position (up to 31st July 2017) will be reported to Cabinet on 13th September 2017. This reflects a projected net forecast overspend of £15.7m, of which £9.2m relates to Directorates. This overall position is an improvement of £4.5m compared with the total projected overspend at Month 3 of £20.2m.

The Month 5 position (up to 31st August 2017) will be reported to Budget Board in early October.

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

B2 Waste Management Overspend

Question:

What additional in year savings have been identified so far to mitigate for the projected overspend within waste management?

Answer: (Response provided by Councillor Ian Ward)

A number of management actions have been implemented and reflected in the projected year end overspend of £2.9m at Month 4 for Waste Services. These include a freeze on all back office vacancies, controls on non-essential expenditure, the generation of additional sale of paper income, reductions in overtime, selective use of agency staff to cover for operational vacancies and the efficient use of vehicles (reducing fuel, repair and hire costs).

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

B3 Council Tax

Question:

For the months of July and August in both 2016 and 2017, how many people did not pay their Council Tax on time?

Answer: (Response provided by Councillor Ian Ward)

For the financial years 2016 and 2017 the numbers of cases progressing within the council tax recovery system for the months of July & August are shown in the table below.

As can be noted in the table below the numbers of citizens subject to recovery action for council tax for the months of July and August has reduced when comparing 2016 with 2017.

Year	Month	Citizens subject to recovery action
2016	July	40,324
	August	48,290
2017	July	38,364
	August	41,549

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

B4 Constitution

Question:

Part 3, Section 6 of the Constitution requires that any ‘key decision’ not on the forward plan and held in private, has the agreement of the Chair of the relevant Overview and Scrutiny Committee that the report is urgent and cannot reasonably be deferred. Ahead of the Cabinet Meeting on 15 August 2017, at what point was the approval of the Chair of the Corporate Resources and Governance Overview and Scrutiny Committee sought and received for the late Cabinet report on the Commonwealth games?

Answer: (Response provided by Councillor Ian Ward)

The Commonwealth Games report was identified as being a key decision and as such it was included on the Forward Plan and had been since April 2017. In July it was noted for consideration at Cabinet on 15th August 2017.

The process for late reports is clearly set out in the constitution in the executive reports process. This states the report should include details of the lateness and the reason for the urgency.

The public report considered at Cabinet on 15th August shows at para 1.9 that it ‘was late and urgent due to late developments in relation to funding and budgets and the need to decide on the further progression of the CWG.’ The bid had to be submitted by 18th August 2017.

All late reports have to be agreed and authorised by either the Leader or Deputy Leader of the Council or the Cabinet Member for Value for Money & Efficiency, as advised by the Monitoring Officer. I understand that communication took place between the City solicitor and Cllr Mahmood and it was agreed that the report could be submitted.

In these circumstances as it was already on the Forward Plan there is no specific requirement for approval by the O&S chair – only for approval by the portfolio holder re lateness and urgency.

WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR ALEX YIP

B5 Leaked e-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer: (Response provided by Councillor Ian Ward)

No.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM
COUNCILLOR MARGARET WADDINGTON**

B6 Cost of Meetings

Question:

**Including staff preparation time, senior officer attendance, live streaming etc.
what is the approximate cost of hosting a meeting of Cabinet?**

Answer: (Response provided by Councillor Ian Ward)

The approximate cost of hosting a meeting of Cabinet is £2000.

**WRITTEN QUESTION TO THE ASSISTANT LEADERS FROM COUNCILLOR
ROBERT ALDEN**

C Ward Plans

Question:

What briefings have been provided to the Labour Group on the format and content of proposed new Ward Plans?

Answer:

Thank for your question, however matters discussed within the Labour Group are internal matters of the Labour Group.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN, FAMILIES
AND SCHOOLS FROM COUNCILLOR ALEX YIP**

D E-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer:

I did take part in discussions over the summer around resolving the bin dispute and a proposed compromise to secure negotiations at ACAS. From the limited information available to me at that time, I did not agree to support this decision.

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

E1 How many wheelie bins damaged since introduced

Question:

How many wheelie bins have been reported damaged, by month, since they were introduced?

Answer:

Please find attached table detailing the numbers of bins reported as damaged by month since their introduction.

	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	OCT	NOV	DEC
2013	No information held											
2014	0	0	2	6	7	11	21	19	15	21	25	30
2015	36	39	35	32	41	88	77	66	66	77	111	105
2016	200	207	193	179	149	149	168	159	107	144	183	117
2017	142	139	217	198	183	180	199	168	-	-	-	-

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

E2 Current & Forecast Cost of Wheelie Bin Replacement

Question:

What is the current and forecast cost of wheelie bin replacement?

Answer:

The cost of replacement wheelie bins are as follows:

180 litre	£16.77
240 litre	£17.77
360 litre	£32.30
Pod	£4.43

Each time we replace large numbers of bins a competitive procurement process takes place.

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

E3 At Risk

Question:

Of the 200 council jobs reportedly open to the 106 'At Risk' Refuse workers, how many were full time permanent posts?

Answer:

Of the 201 Council jobs, five are part time posts, therefore 196 are full time permanent posts.

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

E4 At Risk 2

Question:

Of the 200 council jobs reportedly open to the 106 'At Risk' Refuse workers, how many were posts in areas not currently expecting job losses as part of the existing 4 year financial plan?

Answer

All areas of the City Council are subject to significant review over the next four years which may result in future staffing reductions.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR LYN COLLIN**

E5 Overtime

Question:

How much has been paid in overtime to non-refuse collection staff employed by Birmingham City Council (e.g. Parks staff, street cleaning etc.) to work on waste collection as a result of the current industrial action?

Answer

The cost of BCC non-refuse collection staff employed to work on waste collection as a result of the current industrial action is estimated at £77,500 (this relates to work completed mainly over the weekends and evenings between 22nd July and 12th August).

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR MAUREEN CORNISH**

E6 Private Contractor

Question:

For each private contractor used to tackle the backlog caused by the current industrial action, how many members of staff have been used from each?

Answer:

There are 8 Contractors that have been bought in to tackle the backlog and provide contingency arrangements. The number of staff they have used is not known to us as it would be in keeping with their own operating principles. However, those contractors are not only working on the backlog, they are also actively working on contingency arrangements.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR PETER DOUGLAS-
OSBORN**

E7 Backlog

Question:

What is the breakdown of where additional staff used to tackle the backlog caused by industrial action have come from? (i.e. % agency staff, % street cleansing staff, % additional non-Unite waste collection crew, % management, and any other sources not listed)?

Answer:

There are no additional staff that have been brought in to Birmingham City Council to tackle the backlog caused by the industrial action. We have contracted with 8 service providers to provide a variety of services covering Bulky Waste, Refuse Collection, Tower Blocks and red carded properties (those with no wheelie bin).

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR DES FLOOD**

E8 Additional Staff

Question:

What is the total number of additional staff being used to tackle the backlog caused by the industrial action?

Answer:

There are no additional staff that have been brought in to Birmingham City Council to tackle the backlog caused by the industrial action. We have contracted with 8 service providers to provide a variety of services covering Bulky Waste, Refuse Collection, Tower Blocks and red carded properties (those with no wheelie bin).

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

E9 Meetings

Question:

How many times and on what dates have you met personally with Unite the Union to discuss a resolution to the current industrial action within the waste collection service?

Answer:

I have not met with Unite the Union on their own, or within a personal capacity.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR MEIRION JENKINS**

E10 Spending

Question:

The Council's bid to DCLG for the c£30m grant for the roll out of wheelie bins quoted a figure of £73.55 per head on waste management. What is the actual spend per head in 2017/18 using the same calculation?

Answer:

The figure of £73.55 is the amount per year and relates to 2010/11 (it is also inclusive of all waste collection, waste disposal and street cleaning services).

The Council has reduced the net cost of Waste Management Services considerably since 2010/11 and the equivalent for 2017/18 is estimated at £57.60 per head (this is based on the approved budget for 2017/18).

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR ANDREW HARDIE**

E11 Missed Collections

Question:

Since 30 June 2017 how many reports of missed collections have the council received from residents, broken down by ward?

Answer:

Please find below the number of reported missed collections for all waste streams between the 30 June 2017 and the 6 September 2017, broken down by ward. Please note that Residents' reports are made either for their individual premises or for the whole road, and as such many will be duplicate reports of the same incident of a missed collection by multiple residents.

	Individual Property Reports	Whole Road
Acocks Green	474	2341
Aston	145	1111
Bartley Green	1346	5220
Billesley	326	4074
Bordesley Green	1321	2640
Bournville	1222	4293
Brandwood	1345	3812
Edgbaston	780	2250
Erdington	565	2730
Hall Green	528	2661
Handsworth Wood	405	2140
Harborne	1099	3801
Hodge Hill	421	2785
Kings Norton	1265	4527
Kingstanding	485	2187
Ladywood	103	467
Longbridge	1348	4789
Lozells and East Handsworth	219	1591
Moseley and Kings Heath	461	2050
Nechells	211	1226
Northfield	1802	4873
Oscott	552	2630
Perry Barr	512	2422
Quinton	1333	4863
Selly Oak	245	2157
Shard End	630	4104
Sheldon	1124	3343
Soho	685	1305
South Yardley	509	2503
Sparkbrook	1085	2225
Springfield	191	2415
Stechford and Yardley North	360	2749
Stockland Green	524	2722

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Sutton Four Oaks	493	4048
Sutton New Hall	737	4406
Sutton Trinity	955	3083
Sutton Vesey	424	3423
Tyburn	511	3011
Washwood Heath	329	2552
Weoley	1391	4732

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR TIMOTHY HUXTABLE**

E12 Agency Staff

Question:

Since 30 June 2017 how much was spent week by week on Agency Staff for the refuse collection service?

Answer:

The amounts spent on agency staff per week by the refuse collection service (excluding green, trade, recycling) since 30th June 2017 were:

<u>Week Ending</u>	<u>£</u>
7/7/17	57,834
14/7/17	56,415
21/7/17	53,912
28/7/17	50,770
4/8/17	50,737
11/8/17	51,326
18/8/17	61,222
25/8/17	65,081
TOTAL	447,297

It should be noted that the majority of these costs are funded from the existing approved budget for posts that are currently vacant and being filled by agency staff.

The additional external resources brought in as a response to industrial action have been employed directly by the contractors and not by the Council.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR SIMON JEVON**

E13 Managers

Question:

Since 30 June 2017 how much has been spent on overtime for managers within the refuse collection service?

Answer:

The amount paid to managers (Grade 5 and above) within the refuse collection service in August 2017 was £630.65.

These payments are made in arrears and could relate to any period up to July in the current financial year as this is dependent on when the claims for payment were submitted by the employees concerned.

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

E14 Recycling

Question:

Since 30 June 2017 what percentage of household waste collected has been recycled?

Answer:

Based on the latest tonnage information available, up to 27th August 2017, the percentage of household waste that was recycled in the period from 30th June 2017 to 27th August 2017 is 10.32 %. This excludes street cleansing and household waste recycling centre wastes.

Percentage of all household waste that was recycled (including street cleansing and household waste recycling centre wastes) is estimated to be 19%. This figure is an estimate because we do not have all tonnage figures for the household waste recycling centres as the latest information is still being calculated and verified.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR JOHN LINES**

E15 Pest Problems

Question:

Since April 2011 how many reports of pest problems have been received by month, including the current year to date?

Answer:

Please find attached in appendix 1 the numbers of pest control jobs per month broken down into rats and all other pests. Appendix 2 provides this information in a graphical format.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR EWAN MACKEY**

E16 Disciplinary Cases

Question:

Since 30 June 2017 how many disciplinary cases have been opened against staff working within the refuse collection service?

Answer:

There have been 31 disciplinary investigations. These vary from informal investigations to gross misconduct.

As at 06/09/2017 there are 21 disciplinary cases still open, at various stages of investigation.

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

E17 List of Missed Collections

Question:

As of the end of 30 June 2017, and for the same point for each week after that, how many reported missed collections were yet to be collected?

Answer:

From the 18 June to the 2 September the number of reported missed collections for all waste streams split by individual property and whole road reports, per week is as follows. Please note: That the data contains reports of where the same missed collection either individual or whole road may have been made by different residents.

Week Ending (Saturday)	Individual Property	Whole Road
24/06/2017	1553	4430
01/07/2017	1821	6921
08/07/2017	2859	10752
15/07/2017	3371	16413
22/07/2017	3405	16376
29/07/2017	3399	18026
05/08/2017	3212	16367
12/08/2017	3398	14815
19/08/2017	3004	10345
26/08/2017	2606	8550
02/09/2017	2268	6835

Since the start of the Industrial Action we have moved away from the normal round collections towards a ward based collection service. As a result of this and due to the volume of reports, we have temporarily suspended the process which updates our system when collections have been rectified. We are therefore unable to provide specific information on outstanding missed collections.

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

E18 Blitz

Question:

Following the move to a ward-by-ward ‘blitz’ approach for waste collection during the first phase of industrial action, for each depot please list the order in which each ward was tackled?

Answer:

			Monty	Lifford	Perry Barr	Redfern
Week 1	24-Jul-17	Mon	Ladywood	Quinton	Kingstanding	Hodge Hill
	25-Jul-17	Tues	Ladywood	Bartley Green	Sutton Trinity	Washwood Heath
	26-Jul-17	Wed	Soho	Northfield	Sutton Four Oaks	Acocks Green
	27-Jul-17	Thurs	Soho	Brandwood	Handsworth Wood	Moseley/Kings Heath
	28-Jul-17	Fri	Catch Up			
	29-Jul-17	Sat				
	30-Jul-17	Sun				
Week 2	31-Jul-17	Mon	Aston	Edgbaston	Oscott	Shard End
	01-Aug-17	Tue	Aston	Bournville	Erdington	Stetchford/Yardley North
	02-Aug-17	Wed	Nechells	Longbridge	Lozells and East Handsworth	South Yardley
	03-Aug-17	Thu	Nechells	Billesley	Sutton Vesey	Sparkbrook
	04-Aug-17	Fri	Catch Up			
	05-Aug-17	Sat				
	06-Aug-17	Sun				
Week 3	07-Aug-17	Mon	Ladywood	Harborne	Stockland Green	Sheldon
	08-Aug-17	Tue	Ladywood	Weoley Castle	Sutton New Hall	Springfield
	09-Aug-17	Wed	Soho	Selly Oak	Tyburn	Bordesley Green
	10-Aug-17	Thu	Soho	Kings Norton	Perry Barr	Hall Green
	11-Aug-17	Fri	Catch Up			
	12-Aug-17	Sat				
	13-Aug-17	Sun				
Week 4	14-Aug-17	Mon	Aston	Quinton	Kingstanding	Hodge Hill
	15-Aug-17	Tue	Aston	Bartley Green	Sutton Trinity	Washwood Heath
	16-Aug-17	Wed	Nechells	Northfield	Sutton Four Oaks	Acocks Green
	17-Aug-17	Thu	Nechells	Brandwood	Handsworth Wood	Moseley/Kings Heath
	18-Aug-17	Fri	Catch Up			
	19-Aug-17	Sat				

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR FERGUS ROBINSON**

E19 Productivity

Question:

Based on the methodology for the ‘properties per round’ productivity figures used in the Cabinet report on changes to the waste collection operating model, what has been the productivity of the external contractors used during the industrial dispute verses the regular service prior to the commencement of industrial action?

Answer:

We are monitoring the productivity of the external contractors, however because our current collection service is operating to a ward based plan which is collecting all waste at each property rather than our historic round based approach it is not possible to draw comparisons between the external contractors and our regular service.

Currently each crew is collecting all waste which has been presented, which means that at each property there are multiple bins and large amounts of accumulated waste. This results in each crew spending more time at each property and having to return to the ‘tip’ more frequently to empty the vehicles, all of which will have an impact on perceived productivity.

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

E20 Cost of Overtime

Question:

Since the suspension of industrial action on 16 August, how much overtime has been paid to staff who were previously on strike?

Answer:

Bank Holiday Monday is a normal day of operation for Refuse Collection which attracts an additional payment and as such 25 staff received this payment for working. The cost of the work has not yet been calculated. Timesheets have been submitted to payroll for payment at the end of this month.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR ROB SEALEY**

E21 Missed Green Collections

Question:

How many green waste collections have been missed each month since the resumption of collections after the winter break in March 2017?

Answer:

Please find below the number of reported missed garden waste collections between 6 March 2017 and 6 September 2017 by month. Please note that the data contains reports of where multiple reports of the same missed collection have been made.

Month	Total Number of Reported Missed Garden Collections
March	1424
April	1589
May	1063
June	2606
July	8181
August	8167
September	1064

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

E22 Pre-Booking System

Question:

On what date was the pre-booking system for vans to use household waste and recycling centres suspended?

Answer:

The new van process was introduced on the 10th July at all five Household Waste and Recycling centre (HWRC) sites. Working with Veolia we relaxed the process on the 26th July, whereby any residents taking black bag (residual waste) into the HWRC site in a van would be able to dispose of the waste, with Veolia pointing them to the booking system for further trips.

The system enables Veolia to help to control the amount of vans on site at any one time, which helps to improve the time spent on site by all residents and improve the service provided and waiting times where possible.

For larger vans the height restrictions are still in place at all sites, apart from Tyseley HWRC, which is – in business as usual – the dedicated site for larger vans.

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

E23 Grade 3 Staff

Question:

For each of the three grades of staff in the waste collection service, how many (out of how many) employees have taken part in the industrial action?

Answer:

GR2 – 58 out of 64

GR3 – 95 out of 126

GR4 – 153 out of 177

A total of 306 out of 367 staff have taken part in industrial action up to 31st July 2017. The August information is being collated for the September payroll deadline.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR MARGARET
WADDINGTON**

E24 Job Evaluation

Question:

On what dates were the job descriptions for each of the two roles on the wagon (i.e. 1 x driver and 2 x loaders) in the proposed operating model for refuse collection service put through job evaluation to confirm their grade?

Answer:

The Driver and Loader job descriptions were evaluated in February 2012. As part of the current Waste Management restructure these were reviewed by Managers and remain unchanged.

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

E25 Usage of Household and Recycling Centres

Question:

How many vans (that would now be liable for a charge) used the Household Waste and Recycling centre per month in the year preceding the introduction of the charge and booking system?

Answer:

The van procedure at the Household Waste and Recycling centres was introduced on the 10th July. The system is only chargeable for Trade/Business waste and as such none of these vehicles would have knowingly been allowed to enter the site, as this was prohibited and managed by our contractors, Veolia.

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

E26 Fly-Tipping

Question:

How many reports of fly-tipping were received in the months of July and August for each year between 2011 and 2017 inclusive?

Answer:

The table shows the number of reports of dumped rubbish (fly-tipping) received by the service.

Number of reports of fly-tipping raised with the service							
Financial Year	2011*	2012*	2013*	2014	2015	2016	2017
Jul	1348	920	1482	2792	2179	2041	1528
Aug	1163	885	1074	1997	1872	1877	1185

*Please Note: The service introduced a new IT system mid-August 2013 as a result we only currently hold data from when this was implemented and are therefore only able to provide a full months' worth of data from July 2014. We have included information from between 2011 and 2013, however this has been collected from previous responses and due to the slightly different way of recording fly-tipping shouldn't strictly be used by way of comparison.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR MATT BENNETT**

E27 Damaged Bins

Question:

For each bin type how many bins have been returned damaged each year since the introduction of wheelie bins?

Answer:

The attached spreadsheet shows the numbers of bins reported as damaged.

	2013	1/1/14 - 31/12/14	1/1/15 - 31/12/15	1/1/16 - 31/12/16	1/1/17 - 31/08/17
Residual	No information held	43	324	1047	832
Recycling		15	124	446	274
Pod		27	144	289	209
Garden		72	181	173	111

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR RANDAL BREW**

E28 Loss of Income

Question:

What has been the estimated loss of income from recycling during the period of industrial action due to recycling being mixed with residual waste?

Answer:

Based on the latest tonnage information available, during the period of industrial action (1st July 2017 to 27th August 2017) the kerbside collection service collected 697.17 tonnes of mixed paper and cardboard. During the period of 1st July 2016 to 27th August 2016 the kerbside collection services collected 3,853.21 tonnes of mixed paper and cardboard. There has therefore been a reduction of 3,156.04 tonnes during the period of industrial action compared to the same period last year. Birmingham City Council receives an income of £95.00 per tonne (this is a variable rate), therefore the estimated income lost is £299,823.80.

**WRITTEN QUESTION TO CABINET MEMBER FOR CLEAN STREETS,
RECYCLING AND ENVIRONMENT FROM COUNCILLOR ALEX YIP**

E29 Negotiations

Question:

Prior to meeting with ACAS and Unite on 15 August, did the Leader consult with you on what concessions the Council could afford to make in the negotiations?

Answer:

I advised the Leader on a number of occasions on the legal, financial and operational constraints under which we were operating.

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

E30 Market Testing

Question:

As part of the £30m grant from Government for the roll out of the wheelie bin service, the Council committed to a market testing exercise for the service. What was the result of this market testing?

Answer:

The bid did make reference to the Council carrying out market testing for its collection services. The bid recognised the benefits from looking at other services across the country to ensure an efficient and value for money service. The proposals laid down in the current waste management reorganisation business case presented to Cabinet in June 2017 delivers that efficiency. A separate market testing exercise for collection services has not taken place.

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

E31 Low Figure for Clearing Rubbish

Question:

According to the paper tabled to Cabinet on 24th August, and not discussed by Cabinet, the Council spent just £21,000 a week during July in clearing the rubbish left by the refuse collectors' strike from the streets. Does he consider this rather low figure suggests his response to crisis was extremely slow?

Answer:

Your question was originally directed to the Leader, but as it relates to my portfolio, I can tell you that the cost of clearing the refuse left by the refuse collectors started at £21,000 a week and rose to its current spend of £311,000 a week as the contingency plan was developed in response to the industrial action and the commitment to deliver cleaner streets.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE FROM COUNCILLOR ALEX YIP

F1 E-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer:

I was on holiday out of the country in mid-August. However, I did take an urgent call from the Leader to discuss resolving the bin dispute and compromise negotiations at ACAS. From the limited information that I was given over the phone from the Leader I agreed to support this decision.

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

F2 Measures

Question:

What measures are you taking to ensure that the current and future rubbish accumulations on our streets will not lead to a Public Health crisis involving flies, maggots and rats for the residents of our city?

Answer:

I asked the Director of Public Health to work with Public Health England to assess the current situation and provide appropriate advice to our citizens as set out below and is also available on the council website,
https://www.birmingham.gov.uk/info/20009/waste_and_recycling/1314/public_health_advice_regarding_household_waste_from_public_health_england

We understand the concerns of citizens about the accumulation of uncollected refuse on the streets of Birmingham. Piles of rubbish are unsightly, result in very unpleasant odours and can attract flies and rodents.

By following the advice below, the risk to public health will be kept low:

- Good hygiene is important to reduce risk of becoming ill from bugs, in particular regular hand washing with soap and water.
- Keep food preparation areas clean using a disinfectant, don't leave food on surfaces at home unwrapped, including pet food and use bin lids as accumulated waste can attract flies
- Use two bin bags, especially when preparing waste for taking outside as this reduces the risk of vermin breaking into bin bags.
- In particular, ensure waste products such as nappies, sanitary towels and condoms are 'double bagged' for example put in a smaller bag first before placing in the household rubbish bin.
- Use gloves if you pick up rubbish that has spilled into your driveway or street.
- Take extra precaution with children who may be playing in areas near where rubbish has accumulated and especially if you notice exposed waste.
- Where possible, keep wheelie bins / outside bins out of direct sunlight to reduce smells.
- If you or your child cuts themselves on waste in the street, wash the wound thoroughly with soap and water and apply a sterile adhesive dressing, such as a plaster. For more information about how to deal with cuts visit NHS Choices. If there is a risk the wound could become infected or you think it is already infected call NHS 111 or visit your local walk-in centre, minor injuries unit or GP surgery or download the free 'Ask NHS' app for advice if you begin to feel unwell.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING AND HOMES
FROM COUNCILLOR ALEX YIP**

G1 E-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer:

I did take part in discussions over the summer around resolving the bin dispute and a proposed compromise to secure negotiations at ACAS. From the limited information available to me at that time, I agreed to support this decision.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING AND HOMES
FROM COUNCILLOR SIMON JEVON**

G2 Housing Land

Question:

The Cabinet Member will be aware that for many months there has been an issue with travellers across the City encroaching onto what is designated as “housing land.” Can the Cabinet Member tell us how much the Housing Directorate has been charged this financial year to date for the clearing up of the mess left behind and can he explain what measures are being/will be taken to protect this “housing land” from these continued invasions?

Answer:

The estimated costs that have been incurred in this financial year are £30,000 (the majority at almost £20,000 were costs of legal action, evictions and clear ups).

A number of measures are being implemented to reduce the potential risk of further unlawful encampments and these include the installation of concrete rings, building of earth mound barriers, securing of sites and properties and temporary road closures as necessary.

The Council is also working with national agencies to encourage the greater use of existing designated sites and to develop new potential sites for the future.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR JOBS AND SKILLS
FROM COUNCILLOR ALEX YIP**

H E-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer:

I did take part in discussions over the summer around resolving the bin dispute and a proposed compromise to secure negotiations at ACAS. From the limited information available to me at that time, I agreed to support this decision.

**WRITTEN QUESTION TO CABINET MEMBER FOR TRANSPARENCY,
OPENNESS AND EQUALITY FROM COUNCILLOR EWAN MACKEY**

I1 Freedom of Information

Question:

Shortly after assuming his new role, the Cabinet Member stated that he intended to begin publishing a disclosure log of all Freedom of Information Requests and that he hoped to have this in place by the end of summer. When does the Cabinet Member believe the disclosure log will be available to the public?

Answer:

The Council is currently testing a new solution that will enable the publication of a disclosure log of all Freedom of Information requests. It is anticipated that, subject to satisfactory implementation of the new solution, the disclosure log will be available shortly with a formal launch to follow.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPARENCY,
OPENNESS AND EQUALITY FROM COUNCILLOR ALEX YIP**

I2 E-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer:

I did take part in discussions over the summer around resolving the bin dispute and a proposed compromise to secure negotiations at ACAS. From the limited information available to me at that time, I agreed to support this decision.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR ALEX YIP**

J1 E-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer:

I did take part in discussions over the summer around resolving the bin dispute. At the time in question I was on holiday in Spain, so was unable to participate in the decision.

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

J2 Information

Question:

How many hours before the Cabinet meeting of 24 August 2017 did you first discuss with the Leader or any other Cabinet Member, raising your motion to defer the report on waste collection which members of the press, public, unions and staff groups had travelled to the council house to see discussed?

Answer:

A meeting took place between Cabinet Members and Counsel in the two hours prior to the start of the Cabinet meeting on 24 August. It was decided that, to properly reflect on the advice given at that meeting, it would be necessary to defer the report.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VALUE FOR MONEY
AND EFFICIENCY FROM COUNCILLOR ALEX YIP**

K E-mail

Question:

The leaked email from the Leader to the depot managers sent on 18 August stated that Cabinet had taken the decision the night before (17 August) to support the compromise which he had negotiated through ACAS. As a member of that Cabinet, did you support this ‘decision’ at the meeting to which he refers?

Answer:

I did take part in discussions over the summer around resolving the bin dispute and a proposed compromise to secure negotiations at ACAS. From the limited information available to me at that time, I agreed to support this decision.

**WRITTEN QUESTION TO THE CHAIR OF AUDIT COMMITTEE FROM
COUNCILLOR MEIRION JENKINS**

L1 Corporate Risks

Question:

Following my 3 emails to you without response concerning the corporate risks associated with the industrial dispute and equal pay claims, can you please let me know what conversations you have had, when and with whom concerning this matter and the possibility of it being brought before Audit Committee as requested?

Answer:

I have held a meeting (31/8/2017) with the head of Audit and Risk Management where we discussed the Committee's role in relation to risk, corporate governance and value for money.

The Corporate Risk Register records and monitors risks around equal pay, specifically risk 5 – Further Equal Pay Claims, and Industrial Relations (risk 7). The risk owners have been contacted on my behalf to seek assurance that the risks are adequately scoped and are being actively managed / mitigated.

The Annual Governance Statement also covers these issues and is on the agenda for approval at our September meeting.

**WRITTEN QUESTION TO THE CHAIR OF AUDIT COMMITTEE FROM
COUNCILLOR ALEX YIP**

L2 Dispute

Question:

Have you had any conversations with the District Auditors regarding the ongoing industrial dispute within refuse collection?

Answer:

I'm meeting the external auditors with officers on Monday 11th September 2017.

The external auditor has been meeting with officer colleagues to seek the necessary assurances as he is entitled to do in the course of his work.

**WRITTEN QUESTION TO CHAIR OF PLANNING COMMITTEE FROM
COUNCILLOR RANDAL BREW**

M Enforcement Actions

Question:

Since 2012, for each year how many enforcement actions have been taken within the City's conservations areas against breaches of conservation planning laws or Article 4 Directives, broken down by each Conservation area?

Answer:

I can report that across all of the City's conservation areas, within the last 5 years we have received 915 cases for investigation, which has resulted in the serving of 61 various Notices.

As with other enforcement work, the serving of formal Notices is, and should be, a last resort, with many cases closed following negotiation with officers to reach an acceptable outcome.

Figures are available for each conservation area (summary table attached below)

Conservation Area	Cases Received	Notices (ALL)
Anchorage Road, Sutton Coldfield Conservation Area	6	0
Aston Hall And Church Conservation Area	4	0
Austin Village Conservation Area	19	0
Barnsley Road, Edgabsaton Conservation Area	20	4
Bournville Tenants Conservation Area	1	0
Bournville Village Conservation Area	16	4
Colmore Row And Environs Conservation Area	19	2
Digbeth, Deritend And Bordesley High Streets Conservation Area	23	0
Edgbaston Conservation Area	70	7
Four Oaks Conservation Area	162	1
Greenfield Road, Harborne Conservation Area	20	2
Harborne Old Village Conservation Area	2	0
High Street, Sutton Coldfield Conservation Area	16	1

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Ideal Village, Bordesley Green Conservation Area	25	1
Jewellery Quarter Conservation Area	116	6
Kings Norton Conservation Area	4	0
Lozells And Soho Hill Conservation Area	35	1
Moor Pool, Harborne Conservation Area	43	2
Moseley Conservation Area	117	8
Old Yardley Conservation Area	12	0
Ryland Road Conservation Area	1	0
School Road, Hall Green Conservation Area	18	4
Selly Park Avenues Conservation Area	23	2
Selly Park Conservation Area	63	6
St Agnes, Moseley Conservation Area	30	2
St Augustine's Edgbaston Conservation Area	28	4
Steelhouse City Centre Conservation Area	18	1
Warwick Barr Conservation Area	4	3
Total	915	61

A further, more detailed breakdown has been made available, though this does contain a significant amount of information. I can, however, provide these annual breakdowns in correspondence for each area should this be required by Members, and I would be happy to deal with those requests subsequent to this meeting.

REPORT OF THE LEADER

CONSTITUTIONAL CHANGES

A review of the Cabinet Portfolios has been undertaken and the proposed changes are set out in the Appendix to this report. (For ease of reference, the new additions have been underlined and the deletions show the text crossed through.)

It is recommended that City Council agrees and adopts the revised Cabinet Portfolios and that the City Council's Constitution be amended accordingly.

MOTION

That the Council:-

Agrees and adopts the revised Cabinet Portfolios and authorises the City Solicitor to implement the changes to the Constitution set out in the Appendix with immediate effect.

APPENDIX

2. CABINET PORTFOLIOS

All Members of the Cabinet will have responsibility for balancing the budgets for the services areas within their portfolios. They will also have collective responsibility for the overall savings agreed as part the budget setting process of the Council.

Leader's Portfolio

The Leader has ultimate political responsibility for the Council, and accountability for the following strategic functions:-

Strategic policies	Development and implementation of the Council Business Plan, Budget and Leader's Policy Statement.
Financial strategy	The council's strategic approach to financial resources and budget, including alignment between partners, the BCC General Fund, Housing Revenue Account and capital spending.
Finances	Overall financial direction within the Financial Strategy developed by the Leader, including Best Value and appropriate financial, accounting and audit controls and procedures.
Council Wide Efficiency	Jointly with the deputy leader, to take a strategic lead in relation to efficiency across all council services and to foster lean governance in all areas of council work and to promote working relationships with stakeholders and partners.
Policy and Partnerships	Where appropriate, leadership of city, regional, national, European and international policy, strategic partnerships and appropriate relations with the media.
Major projects	Major physical regeneration and infrastructure projects in the city.
Promotion of the city and	Promotion of Birmingham regionally, nationally and internationally. This includes work with partners such as Marketing Birmingham, the universities and cultural organisations of

Inward Investment	<p>citywide, regional or national significance.</p> <p>Marketing strategies to encourage investment in Birmingham.</p>
Sports and Events Development	Development, delivery and promotion of sports, events and festivals.
Structure and Governance of the Council	Overall organisational design of the council, including corporate governance arrangements.
Council land use and property assets	<p>Oversight of the council's land use and property strategy and asset management plan including framework for reuse, disposal and requisition of land and property in the council's priorities – including assets of community value.</p> <p>Including oversight of council owned land and property facilities, amenities and services including markets.</p>
Emergency Planning	Arrangements for the council's response to emergencies including chairing the Contest Board.
Combined Authority and the West Midlands Mayoral Combined Authority	Appropriate arrangements for the Council's response and review to changes in the Constitution, consultation and devolution deals. Acting as the main representative for the City Council on the Combined Authority.
Economic growth and jobs	Strategic approach to economic growth and regeneration programmes and strategic planning policy in consultation with the Cabinet Member for Jobs and Skills.

Business Improvement Districts	Partnerships with the Business Improvement Districts, including city centre management opportunities.
Land Use Planning	Local Development Plan, Neighbourhood Plans, Development Briefs and Supplementary Guidance; including advice to planning committee.
Lord Mayor's office	Appropriate support to the Lord Mayor and other holders of civic office.

Deputy Leader's Portfolio

The Deputy Leader will act as Council Leader where the Leader is not available and has accountability for the review and improvement of all council services, management of all corporate resources of the council, and oversight of the management of services and delivery of outcomes on:

Business Change	All major business change programmes.
Performance review and improvement for the council, including performance of externalised services	Arrangements to review and improve the performance of services and the delivery of priority outcomes and services for Birmingham residents and businesses. Trading Services, WOCs and Acivico (when Executive decisions needed).
Human Resources	An effective organisational development function for shaping the future workforce of the council.

	<p>Development of effective change/transformational programmes deployed corporately.</p> <p>Member development programmes.</p> <p>Processes and procedures to support good staff performance development and equality objectives.</p> <p>Staffing structures at JNC level and personnel procedures that comply with good practice and natural justice (in consultation with the Leader).</p> <p>[The Council Business Management Committee deals with issues around the employment of staff and their terms and conditions of employment].</p>
Communications	Internal and external stakeholder consultation on performance and use of resources.
Risk Management	Policy for risk management and holding officers to account on the management of risks.
Revenues and Benefits Service	Effective management of the Revenues and Benefits service.
The services provided to the citizens of Birmingham as the	To take a strategic lead in the provision of customer focused City services.

customer			
Arts and Culture and Tourism	Sustaining and promoting events, including management of grants and the economic opportunities that derive from arts and culture.		
The Library of Birmingham and Community Libraries	Oversight of the regional and city-wide role of the Library of Birmingham and the community library service including both the vital part libraries play in communities, learning and skills.		
Museums	Oversight of the provision and activity of the Birmingham Museums Trust.		
Local Government Ombudsman	Appropriate action in response to local government ombudsman reports.		
Open data and Information systems	Provide strategic leadership and advising all Cabinet members of initiatives that need to be taken in relation to the development of world class technological capability and connectivity in Birmingham		
Whistleblowing and Corporate Complaints Procedure	To take a corporate lead in relation to Whistleblowing and complaints.		
Council wide efficiency	Jointly with the Leader to take a strategic lead in relation to efficiency across all council services and to foster lean governance in all areas of council work and to promote working relationships with stakeholders and partners.		

The Deputy Leader will also have temporary oversight over the following areas to be reviewed in April 2018:

- The establishment of the Children's Trust.
- Early Years contract mobilisation
- Birmingham's Strategy for Send and Inclusion 2017-2020

Cabinet Member for Children, Families and Schools

The Cabinet Member for Children, Families and Schools has an integrated brief that extends across the educational, safeguarding, social and emotional needs of children and young people. Sustainable improvement of children's safeguarding will be a major focus of this portfolio.

The needs of all children and young people, especially the most disadvantaged and vulnerable children and their families and carers, will be realised through a partnership approach with schools, third sector educational providers and partner organisations.

The Cabinet Member has accountability for:

Children's Services	Needs of all children and young people, especially the most disadvantaged and vulnerable, and their families and carers. Political responsibility and accountability for the leadership, strategy and effectiveness of children's services. This includes all responsibilities of the statutory Lead Member for Children role.
Safeguarding Children and Young People	With statutory partners, the safety and wellbeing of all children.
Corporate Parenting	Political leadership on improving the lives of looked after children. Ensuring all council members, officers and services

	understand and actively promote the council's responsibilities to looked after children.
Education and Wellbeing of Children and Young People	Political leadership on strategic and statutory duties, including school improvement, special educational needs and disability, early years, school places and travel to and from school.

Cabinet Member **Commercialism, Commissioning and Contract Management**

The Cabinet Member will have accountability for the management of all commercial, commissioning, procurement and contract compliance activity across the Council.

Commercialism	To take the strategic lead in the consideration of all commercial opportunities available to the Council
Commissioning	Strategic approach to, and compliance with, the commissioning approach. Ensuring that council commissioning supports its wider social objectives such as employment provision, training, encouraging social enterprise and delivering social cohesion, internally and externally.
Procurement	Oversight of procurement management, including ensuring the development of appropriate approved lists of suppliers.
Contract Management	Strategic approach to and compliance with contract management policy to ensure best value.

Internal Trading Operations	Effectiveness and holding to account the management of all internal trading operations.
Birmingham Business Charter for Social Responsibility	Application of the Birmingham Business Charter for Social Responsibility that requires contractors to offer, inter alia, local employment and training opportunities, and to adopt the Birmingham Living Wage policy.

Cabinet Member for Transport and Roads

To be responsible for the transport infrastructure, the key highway networks and strategic highway policy, which are key to Birmingham establishing a well-founded reputation as a successful City.

The Cabinet Member has accountability for:

Transport Strategies	Sustainable transportation policy and strategy, programmes, projects and initiatives to improve connectivity and road safety for the city across all modes of travel.
Highways	Strategic highways matters. Maintenance of roads and streets, traffic management and car parks and enforcing rights of way.
Advice to Planning Committee	Providing advice, where appropriate, including the

(Highways)	effect of proposed developments in relation to roads and transport and working in cooperation with the West Midlands Combined Authority and Mayor in relation to the key route network.
Intelligent Transport	To provide strategic leadership, in particular, for extending the use of intelligent transport systems and digital technologies for "open access" to support "green and smart" actions.

Cabinet Member for Clean Streets, Recycling and Environment

The Cabinet Member will position Birmingham as a 'Green City' ready for the challenges of the future and with a sustainable infrastructure that supports these objectives through initiatives that are delivered by the city council and also by partner agencies, private and third sector organisations.

The Cabinet Member has accountability for:

Green City	Strategic leadership of the city's sustainability agenda, advising all Cabinet Members of initiatives that need to be taken and particularly in respect of employment, highways, transport, waste recycling and disposal matters, health and housing.
Climate Change	Strategic lead on policy and its implementation to address issues including climate change, carbon reduction, flood management, clean air zones, energy security, fuel poverty, food security and green spaces.
Waste Strategy and Services	Development of a financially and environmentally sustainable waste strategy for the city. Collection and sustainable disposal of waste from residential and other properties within the city and street cleansing on

	operational matters. Promotion of recycling.
Pest Control	Provision of the Pest Control Service
Cleaner Neighbourhoods	Street Cleaning, Litter prevention, fly tipping, graffiti, placarding.
Local Parks and Allotments	Provision, maintenance and usage of local facilities.

Cabinet Member for Health and Social Care

The objective of this portfolio is to create a city – where people live long, healthy and independent lives in their own homes, making people responsible for their own care.

The development of the Health and Wellbeing Board, together with the transfer of public health functions from the NHS adds coherence to the policies and actions around the health and wellbeing needs of the residents of Birmingham, across all life stages from young children to older people.

The Cabinet Member has accountability for:

Adult Social Care and Health	Development of the Health and Wellbeing Board and relationships with the NHS and private providers. Strategic leadership of social care services and safeguarding for adults. Development of an integrated health and social care economy
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	in Birmingham and neighbouring local authorities around the STP.
Public Health	Leadership on public health services, working with the Health and Wellbeing Board to reduce health inequalities.
Healthy Communities	Healthy living through sport and leisure services.
Domestic Violence	All council activity relating to domestic violence and developing a city-wide domestic violence strategy with partners including advice to the Cabinet Member for Housing and Homes on the provision of accommodation.

Cabinet Member for Housing and Homes

The building of enough houses of the highest quality, and the strong neighbourhoods to go with them, to meet population growth, and so also enable strong economic growth, is the big challenge for the city over the next decade.

Dramatic changes in the local government environment have given greater prominence to questions about the role of communities and, potentially, a radical form of devolution in which the experience of residents is harnessed to understand and drive better services.

The Cabinet Member has accountability for:

Council housing management services	Oversight and direction of estate management services and best use of housing stock (across all housing providers). Repairs and maintenance programmes.
Registered Social Landlords	Liaison with the Birmingham Social Housing Partnership on neighbourhood management initiatives and the housing growth agenda.
Private Rented Sector	Licensing and regulation. Private Tenancy Unit activities. Bond and deposit scheme initiatives.

Housing Options	<p>Assessing housing need, options for vulnerable adults, children and young people and offenders.</p> <p>Temporary accommodation provision / homelessness.</p> <p>Initiatives for rough sleepers.</p>
Housing Supply	To review the supply of housing and tenure based on an analysis of housing need including responsibility for BMHT. The Cabinet member will advise the Deputy Leader in relation to housing supply and tenure.
Tenant engagement in social housing	Tenant engagement in the management and development of social housing and Housing Liaison Boards.
Neighbourhood Management	Wider council and public sector integration at the local level.

Cabinet Member for Jobs and Skills

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

The Cabinet Member has accountability for:

Skills, expansion for key growth sectors enterprise and innovation	Throughout the council and the city of Birmingham and with local, regional and national partners, develop the skills and employability of Birmingham's workforce, enabling each citizen to realise their potential.
Youth Engagement and Youth Service, along with Lifelong Learning (post 14 skills and adult education)	<p>Clear progression and vocational pathways from education into further and higher education and employment.</p> <p>Provision of all-age guidance, skills development, training and work experience to meet the economic needs of the city now and in the future.</p>
Employment Opportunities	Access to employment, local employment plans.
Skills and Entrepreneurship in Schools	Development of 14-19 career pathways, enterprise and entrepreneurship in Birmingham schools.
Impact and Implications of Brexit	Assessment on implications for the city of Brexit in 2019.
Business Support	Support the development of implementation of business support

Cabinet Member for Community Safety and Equalities

The Cabinet Member will have accountability for ensuring that wherever possible (within the restrictions provided by Statute and Law) all actions taken and services provided by the council are fully transparent to the citizens of Birmingham.

A cohesive society is one which offers opportunities to all its members within a framework of accepted values, removing barriers to access and challenging inequalities. The challenge is to ensure that every Birmingham citizen has access to opportunity across the social and economic life of the city, within a safe city - including in education, employment, housing, health and social care, civil society and political participation – whether these are delivered by the city council itself, partner agencies, or by private or third sector organisations.

The Cabinet Member will also have responsibility for the following:

Safer Communities	<p>Strategic citywide leadership to community safety in Birmingham, including anti-social behaviour, fear of crime and public spaces and ensuring effective support for victims of crime.</p> <p>Effective relationships and clear shared priorities with the Police and Crime Commissioner and West Midlands Police.</p> <p>Leadership on youth offending issues.</p> <p>CCTV and liaison with Police.</p> <p>Strategic leadership in relation to Prevent.</p>
Social Cohesion and Inclusion	Approaches to ensure that all Birmingham citizens

	<p>have increasing access to opportunity across the social and economic life of the city.</p> <p>Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on social cohesion and inclusion.</p>
Tackling Inequality	<p>Strategic approaches to reduce inequalities including around health, education and employment outcomes; 'access to services'; and participation in civic life.</p> <p>Neighbourhood advice and information services.</p> <p>Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on inequalities and inclusion.</p>
Equalities within the Community	<p>Development and promotion of shared values and mutual respect across the diverse communities of Birmingham.</p> <p>Ensuring that community and cultural events promote social cohesion and inclusion</p>
To take a lead on information law and data protection matters	Overall organisation for the Council including Corporate governance arrangement.

To challenge any lack of transparency in all work carried out by the Council.	To ensure transparency in all areas of Council work.
External Challenge	Ensuring that partner agencies, private or third sector organisations are challenged on their contribution to improving social cohesion and inequalities.
Third Sector Partnership and Engagement	Working with and coordination of third sector and partner agencies around equalities, cohesion and inclusivity.
Bereavement Services	Strategic leadership for the development of Cemeteries, Crematoria and Mortuary and Coroners Court Services.

APPOINTMENTS BY THE COUNCIL

Set out below for approval is an appointment to be made by the City Council.

RECOMMENDED:-

That the appointments be made to serve on the Bodies set out below:-

Independent Remuneration Panel

Sajid Shaikh to be appointed for the term of office 7 November 2017 – 31 August 2020.

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

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

A. Councillors Lisa Trickett and Ian Ward have given notice of the following Notice of Motion:-

“Birmingham City Council notes that:

- For most workers in local government and schools, pay and other terms and conditions are determined by the National Joint Council (NJC) for local government services
- On average, across the country, NJC basic pay has fallen by 21% in real terms since 2010
- NJC workers had a three-year pay freeze from 2010-2012 and have received only 1% pay increase annually since then
- NJC pay is the lowest in the public sector
- Differentials in pay grades are being squeezed and distorted by bottom-loaded NJC pay settlements needed to reflect the increased Statutory National Living Wage
- The likelihood of rising inflation following the vote to leave the European Union will worsen the current public sector pay inequality.

The council therefore supports the NJC pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and, noting the drastic ongoing cuts to local government funding, calls on the Government to provide all additional resources to ensure local authorities can fund a decent pay rise for NJC employees. NJC pay cannot be allowed to fall further behind other parts of the public sector

The council also welcomes the joint review of the NJC pay spine to remedy the turbulence caused by bottom-loaded pay settlements.

The council resolves to:

- Write to the LGA asking it to make urgent representations to Government to fund the NJC claim and the pay spine review
- Write to the Prime Minister and Chancellor supporting the NJC pay claim and seeking the additional resources needed to fund a decent pay rise and the pay spine review

Write to local NJC union representatives to convey support for the pay claim and the pay spine review."

B. Councillors Ewan Mackey and Matt Bennett have given notice of the following Notice of Motion:-

"This Council expresses alarm at the rise in anti-Semitism in recent years across the UK including incidents when criticism of Israel has been expressed using anti-Semitic tropes. Criticism of Israel can be legitimate, but not if it employs the tropes and imagery of anti-Semitism.

This Council therefore:

- Welcomes the UK Government's announcement on December 11th 2016 that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines;
- Commits to cross-party support within the Council for combating anti-Semitism in all its manifestations, especially within relation to those effected in our communities in Birmingham; and
- Adopts the below definition of anti-Semitism as set out by the International Holocaust Remembrance Alliance:

"Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

The guidelines highlight manifestations of anti-Semitism as including:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.

- Using the symbols and images associated with classic anti-Semitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”

C. Councillors Neil Eustace and Paul Tilsley have given notice of the following Notice of Motion:-

“Council regrets that the Boundary Commission for England (BCE) has again failed to come up with cohesive constituency boundaries for the city.

Council notes the refusal of the BCE to use the new ward boundaries that come into force next year. This would have helped avoid such anomalies as:

- Much of historic Yardley being placed outside Yardley constituency;
- The new Perry Barr ward being linked to the rest of the Erdington constituency solely by a portion of the new Aston ward, creating a “rabbit-eared” constituency;
- Oscott ward being linked to Walsall town centre and parts of northern Walsall;
- Handsworth Wood being placed in West Bromwich.

Using the new ward boundaries would ensure that the proposed constituency boundaries are more closely aligned to future projections of population.

Council agrees to lobby the government and the BCE for a more sensible approach, noting that BCE has attempted a wholesale revision of its earlier proposals for the city and noting that it would have been possible for the BCE to have used the new ward boundaries for the latest round of proposals, as the new ward boundaries were approved by Parliament on 23 November 2016.”

