

BIRMINGHAM CITY COUNCIL

MEETING OF THE CITY COUNCIL

TUESDAY, 01 DECEMBER 2020 AT 14:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

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

3 MINUTES

5 - 148

a) To confirm and authorise the signing of the Minutes of the extraordinary meeting of the Council held on 15 September 2020.

b) To confirm and authorise the signing of the Minutes of the meeting of the Council held on 15 September 2020.

c) To confirm and authorise the signing of the Minutes of the meeting of the Council held on 3 November 2020.

4 LORD MAYOR'S ANNOUNCEMENTS

(1400-1410)

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

5 PETITIONS

(10 minutes allocated) (1410-1420)

To receive and deal with petitions in accordance with Council Rules of
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Procedure (B4.4 E of the Constitution)

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

6 QUESTION TIME

(Maximum of 80 minutes allocated) (1420-1540)

To deal with oral questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

- A. Questions from Members of the Public to any Cabinet Member or Ward Forum Chair (Up to 10 minutes)
- B. Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair (Up to 10 minutes)
- C. Questions from Councillors other than Cabinet Members to a Cabinet Member (Up to 20 minutes)
- D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (Up to 20 minutes)

149 - 154

7 SCRUTINY BUSINESS REPORT (DECEMBER 2020)

(45 minutes allocated) (1540-1625)

To consider a report from the Chairs of Overview and Scrutiny Committees to be presented by Councillor Carl Rice.

Councillor Carl Rice to move the following Recommendation:

"That the report be noted."

A 15 minute break will be taken.

155 - 176

8 LEAD MEMBER REPORT: WEST MIDLANDS COMBINED AUTHORITY OVERVIEW & SCRUTINY COMMITTEE

(20 minutes allocated) (1640-1700)

To consider a report of Chair of the WMCA's Overview and Scrutiny Committee.

Councillor Lisa Trickett to move the following recommendation:

"That the report be noted."

177 - 234

9 INTERIM STATEMENT OF LICENSING POLICY 2020

(40 minutes allocated) (1700-1740)

To consider a report of the Acting Director of Neighbourhoods.

Councillor Phil Davis to move the following Motion:

"That City Council approves the Interim Statement of Licensing Policy 2020 and authorises:

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

10 PROVISIONAL DATE OF THE NEXT MEETING

To note that the provisional date of the next meeting of City Council is 12 January 2021.

11 APPOINTMENT OF CHIEF EXECUTIVE

(20 minutes allocated) (1740-1800)

Report of the Council Business Management Committee (Chief Officers and Deputy Chief Officers Appointments Dismissals and Service Conditions Sub-Committee).

12 EXCLUSION OF THE PUBLIC

Deputy Lord Mayor to Move:-

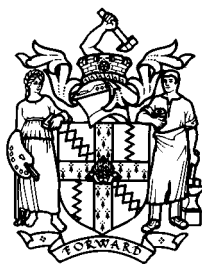
"That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Paragraph 1 of Exempt Information Under Revised Schedule 12A of the Government Act 1972 in respect of agenda item 13 (Appointment of Chief Executive)

P R I V A T E A G E N D A

13 APPOINTMENT OF CHIEF EXECUTIVE

- Information relating to any individual;



**EXTRAORDINARY MEETING
OF BIRMINGHAM CITY
COUNCIL 15 SEPTEMBER
2020**

**MINUTES OF THE EXTRAORDINARY MEETING
OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY 15 SEPTEMBER 2020 AT
1355 HOURS AS AN ON-LINE MEETING**

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

Councillors

Mohammed Aikhlaq	Adam Higgs	Gareth Moore
Alex Aitken	Mahmood Hussain	John O'Shea
Safia Akhtar	Shabrana Hussain	David Pears
Robert Alden	Mohammed Idrees	Robert Pocock
Baber Baz	Zafar Iqbal	Julien Pritchard
Kate Booth	Ziaul Islam	Hendrina Quinnen
Sir Albert Bore	Kerry Jenkins	Chauhdry Rashid
Nicky Brennan	Julie Johnson	Carl Rice
Marje Bridle	Brigid Jones	Gary Sambrook
Mick Brown	Josh Jones	Kath Scott
Tristan Chatfield	Nagina Kauser	Shafique Shah
Debbie Clancy	Zaheer Khan	Mike Sharpe
Liz Clements	Chaman Lal	Sybil Spence
Maureen Cornish	Mike Leddy	Paul Tilsley
John Cotton	Bruce Lines	Lisa Trickett
Phil Davis	Mary Locke	Ian Ward
Adrian Delaney	Ewan Mackey	Mike Ward
Barbara Dring	Majid Mahmood	Suzanne Webb
Fred Grindrod	Zhor Malik	Ken Wood
Paulette Hamilton	Karen McCarthy	Alex Yip
Kath Hartley	Saddak Miah	Waseem Zaffar

NOTICE OF RECORDING

19371

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.

Extraordinary Meeting of City Council – 15 September 2020

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

The Deputy Lord Mayor requested that Members ensure that their video cameras are switched off and that their microphone is switched off when they are not speaking.

The Deputy Lord Mayor advised Members that If they wished to speak, to indicate in the chat function and wait to be invited to speak and to state their name at the start of every contribution?"

DECLARATIONS OF INTEREST

19372 The Deputy Lord Mayor reminded Members that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

Any declarations would be recorded in the minutes of the meeting.

At this point in the meeting the Deputy Lord Mayor sought any expressions of interest and non were made.

APPOINTMENT TO THE ROLL OF HONORARY ALDERMEN

The following report of the Council Business Management Committee was submitted:-

(See document No 1)

The Leader, Councillor Ian Ward, presented the report and moved the recommendation which was seconded.

There being no debate, the recommendation having been moved and seconded was agreed.

It was therefore-

19373 **RESOLVED:-**

That the City Council confers the Title of Honorary Alderman Posthumous on the late Councillor Keith Linnecor and authorises the Lord Mayor to present the Posthumous Title to late Councillor Linnecor 's family.

The meeting ended at 1358 hours.

**MEETING OF BIRMINGHAM
CITY COUNCIL
15 SEPTEMBER 2020**



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 15 SEPTEMBER 2020 AT 1400 HOURS AS AN ON-LINE
MEETING**

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

Councillors

Muhammad Afzal	Kath Hartley	Karen McCarthy
Mohammed Aikhlaq	Adam Higgs	Saddak Miah
Alex Aitken	Charlotte Hodiola	Gareth Moore
Safia Akhtar	Penny Holbrook	Simon Morrall
Robert Alden	Jon Hunt	John O'Shea
Olly Armstrong	Mahmood Hussain	David Pears
Gurdial Singh Atwal	Shabrana Hussain	Robert Pocock
Baber Baz	Timothy Huxtable	Julien Pritchard
Bob Beauchamp	Mohammed Idrees	Hendrina Quinnen
Matt Bennett	Zafar Iqbal	Chauhdry Rashid
Kate Booth	Ziaul Islam	Carl Rice
Sir Albert Bore	Morriam Jan	Lou Robson
Nicky Brennan	Kerry Jenkins	Gary Sambrook
Marje Bridle	Meirion Jenkins	Kath Scott
Mick Brown	Julie Johnson	Lucy Seymour-Smith
Tristan Chatfield	Brigid Jones	Shafique Shah
Debbie Clancy	Josh Jones	Mike Sharpe
Liz Clements	Nagina Kauser	Sybil Spence
Maureen Cornish	Mariam Khan	Ron Storer
John Cotton	Zaheer Khan	Sharon Thompson
Phil Davis	Narinder Kaur Kooner	Paul Tilsley
Adrian Delaney	Chaman Lal	Lisa Trickett
Barbara Dring	Mike Leddy	Ian Ward
Peter Fowler	Bruce Lines	Mike Ward
Eddie Freeman	Mary Locke	Suzanne Webb
Fred Grindrod	Ewan Mackey	Ken Wood
Paulette Hamilton	Majid Mahmood	Alex Yip
Roger Harmer	Zhor Malik	Waseem Zaffar

NOTICE OF RECORDING

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

The Deputy Lord Mayor requested that Members ensure that their video cameras are switched off unless called to speak and that their microphone is switched off when they are not speaking.

The Deputy Lord Mayor advised Members that If they wished to speak, to indicate in the chat function and wait to be invited to speak and to state their name at the start of every contribution.

DECLARATIONS OF INTEREST

19375 The Deputy Lord Mayor reminded Members that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

Any declarations would be recorded in the minutes of the meeting.

Councillor Alex Yip indicated that his sister worked for National Express who provided home to school transport.

Councillor Paul Tilsley indicated that he had solar panels on the roof of his home.

MINUTES

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

19376 **RESOLVED:-**

That the Minutes of the meeting held on 14 July 2020 having been circulated to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

Death of Former Councillor James Sweeney

The Deputy Lord Mayor indicated that her announcement was a sad one in that she had to inform the Chamber of the death of former Councillor James Sweeney who was known as Jim. The Deputy Lord Mayor indicated that Jim

Meeting of City Council – 15 September 2020

served as a Councillor for Longbridge Ward from May 1972 to May 1975 and died on 17 July leaving behind his wife Susi.

The Deputy Lord Mayor indicated that tributes to Jim would be reserved until such time as meetings were able to be held in the Council Chamber and in the meantime she invited all to join her in extending sincere condolences to Jim's wife Susi and all the family.

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

19377

RESOLVED:-

That this Council places on record its sorrow at the death of former Councillor James Sweeney and its appreciation of his devoted service to the residents of Birmingham. The Council extends its deepest sympathy to members of Jim's family in their sad bereavement.

PETITIONS

Petitions Relating to City Council Functions Presented prior to the Meeting

The following petitions were presented:-

(See document No. 1)

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

19378

RESOLVED:-

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

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 -

19379

RESOLVED:-

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

Petitions Update

The following Petitions Update had been made available electronically:-

(See document No. 3)

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

19380 **RESOLVED:-**

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

EXEMPTION FROM STANDING ORDERS

19381 **RESOLVED:-**

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

- Increase the time for item No. 7 (Question Time) to 80 minutes and allocate the time as follows:-
 - A. Questions from Members of the Public to any Cabinet Member or Ward Forum Chair (10 minutes)
 - B. Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair (Up to 10 minutes)
 - C. Questions from Councillors other than Cabinet Members to a Cabinet Member (Up to 30 minutes)
 - D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (Up to 30 minutes)
 - Allocate 30 minutes to agenda item 8 (Update on Birmingham City Council's Response to Covid 19)
 - Allocate 40 minutes to agenda item 9 (Route to Zero Interim Report)
 - Allocate 40 minutes to agenda item 10 (Home to School Transport Inquiry)
 - Allocate 10 minutes to agenda item 11 (Annual Report of the Independent Remuneration Panel 2019/20)
 - No Motions be submitted by individual Councillors at the meeting
-

EXTENTION OF TIME FOR VARIOUS ITEMS AND THE MEETING

Councillor Robert Alden indicated that he understood that there were a number of amendments at the meeting and proposed that the time for various items should be extended as follows:-

Agenda item 9 (Route to Zero Interim Report) increase the time further by 40 minutes.

Agenda item 10 (Home to School Transport Inquiry) increase the time further by 15 minutes.

The meeting be extended by 55 minutes to conclude at 1840 hours

Councillor Jon Hunt seconded the proposal

The Deputy Lord Mayor put the proposal to the vote and by a show of hands was declared to be carried.

It was therefore-

19382 **RESOLVED:-**

- (i) That the time for consideration of Agenda item 9 (Route to Zero Interim Report) be extended by 40 minutes;
- (ii) that the time for consideration of Agenda item 10 (Home to School Transport Inquiry) be extended by 15 minutes; and
- (iii) that the meeting be extended by 55 minutes to conclude at 1840 hours

In reply to a query from Councillor Majid Mahmood, the Deputy Lord Mayor confirmed that the Council as Trustee meeting scheduled at 1745 hours would begin at the conclusion of this meeting

QUESTION TIME

19383 The Council proceeded to consider Oral Questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

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

UPDATE ON BIRMINGHAM CITY COUNCIL'S RESPONSE TO COVID-19

The following report of the Cabinet was submitted:-

(See document No 4)

The Leader Councillor Ian Ward presented the report and the recommendation was seconded.

A debate ensued during which a number of members paid tribute to the work of staff of the City Council, people in the third sector and people in local communities in helping vulnerable citizens during the Covid 19 pandemic.

The Leader Councillor Ian Ward replied to the debate.

The recommendation having been moved and seconded was agreed.

It was therefore-

19384 **RESOLVED:-**

That the report be noted.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

17385 **RESOLVED:-**

That the Council be adjourned until 1623 hours on this day.

The Council then adjourned at 1617 hours.

At 1627 hours the Council resumed at the point where the meeting had been adjourned.

ROUTE TO ZERO INTERIM REPORT

The following report of the Acting Director Inclusive Growth was submitted:-

(See document No 5)

Councillor Waseem Zaffar moved the motion which was seconded.

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

(See document No. 6)

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

In accordance with Council Rules of Procedure, Councillors Tristan Chatfield and Sharon Thompson gave notice of the following amendment to the Motion:-

(See document No. 6)

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

In accordance with Council Rules of Procedure, Councillors Robert Alden and Ewan Mackey gave notice of the following amendment to the Motion:-

(See document No. 7)

Councillor Robert Alden moved the amendment which was seconded by Councillor Ewan Mackey.

In accordance with Council Rules of Procedure, Councillors Peter Fowler and Gareth Moore gave notice of the following amendment to the Motion:-

(See document No. 8)

Councillor Peter Fowler moved the amendment which was seconded by Councillor Gareth Moore.

In accordance with Council Rules of Procedure, Councillors Paul Tilsley and Jon Hunt gave notice of the following amendment to the Motion:-

(See document No. 9)

Councillor Paul Tilsley moved the amendment which was seconded by Councillor John Hunt.

A debate ensued.

Councillor Waseem Zaffar replied to the debate.

The first amendment in the names of Councillors Roger Harmer and Julien Pritchard having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (26)

Robert Alden	Jon Hunt	Chauhdry Rashid
Baber Baz	Timothy Huxtable	Gary Sambrook
Debbie Clancy	Morriam Jan	Sybil Spence
Maureen Cornish	Bruce Lines	Ron Storer
Adrian Delaney	Ewan Mackey	Paul Tilsley
Peter Fowler	Gareth Moore	Mike Ward
Roger Harmer	Simon Morrall	Ken Wood
Adam Higgs	David Pears	Alex Yip
Charlotte Hodivala	Julien Pritchard	

Against the amendment (48)

Muhammad Afzal	Kath Hartley	Majid Mahmood
Mohammed Aikhlaq	Penny Holbrook	Zhor Malik
Alex Aitken	Mahmood Hussain	Karen McCarthy
Safia Akhtar	Shabrana Hussain	Saddak Miah
Kate Booth	Mohammed Idrees	Brett O'Reilly
Sir Albert Bore	Zafar Iqbal	John O'Shea
Nicky Brennan	Ziaul Islam	Robert Pocock
Marje Bridle	Julie Johnson	Hendrina Quinnen
Mick Brown	Brigid Jones	Carl Rice
Tristan Chatfield	Josh Jones	Kath Scott
Liz Clements	Nagina Kauser	Lucy Seymour-Smith
John Cotton	Mariam Khan	Shafique Shah
Phil Davis	Zaheer Khan	Mike Sharpe
Barbara Dring	Narinder Kaur Kooner	Sharon Thompson
Eddie Freeman	Chaman Lal	Ian Ward
Fred Grindrod	Mike Leddy	Waseem Zaffar

Abstentions (5)

Olly Armstrong	Mary Locke	Lisa Trickett
Kerry Jenkins	Lou Robson	

The second amendment in the names of Councillors Tristan Chatfield and Sharon Thompson having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the amendment (59)

Muhammad Afzal	Jon Hunt	Saddak Miah
Mohammed Aikhlaq	Mahmood Hussain	Brett O'Reilly
Alex Aitken	Shabrana Hussain	John O'Shea
Safia Akhtar	Mohammed Idrees	Robert Pocock
Olly Armstrong	Zafar Iqbal	Hendrina Quinnen
Kate Booth	Ziaul Islam	Chauhdry Rashid
Sir Albert Bore	Kerry Jenkins	Carl Rice
Nicky Brennan	Julie Johnson	Lou Robson
Marje Bridle	Brigid Jones	Kath Scott
Mick Brown	Josh Jones	Lucy Seymour-Smith
Tristan Chatfield	Nagina Kauser	Shafique Shah
Liz Clements	Mariam Khan	Mike Sharpe
John Cotton	Zaheer Khan	Sybil Spence
Phil Davis	Narinder Kaur Kooner	Paul Tilsley
Barbara Dring	Chaman Lal	Sharon Thompson
Fred Grindrod	Mike Leddy	Lisa Trickett
Roger Harmer	Mary Locke	Mike Ward
Paulette Hamilton	Majid Mahmood	Ian Ward
Kath Hartley	Zhor Malik	Waseem Zaffar
Penny Holbrook	Karen McCarthy	

Against the amendment (19)

Robert Alden	Charlotte Hodiola	Simon Morrall
Baber Baz	Morriam Jan	David Pears
Debbie Clancy	Meirion Jenkins	Gary Sambrook
Maureen Cornish	Bruce Lines	Ron Storer
Adrian Delaney	Ewan Mackey	Ken Wood
Peter Fowler	Gareth Moore	Alex Yip
Adam Higgs		

Abstentions (1)

Julien Pritchard

The third amendment in the names of Councillors Robert Alden and Ewan Mackey having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (22)

Robert Alden	Charlotte Hodiola	Simon Morrall
Debbie Clancy	Jon Hunt	David Pears
Maureen Cornish	Timothy Huxtable	Gary Sambrook
Adrian Delaney	Meirion Jenkins	Ron Storer
Peter Fowler	Bruce Lines	Paul Tilsley
Eddie Freeman	Ewan Mackey	Mike Ward
Roger Harmer	Gareth Moore	Alex Yip
Adam Higgs		

Against the amendment (55)

Muhammad Afzal	Mahmood Hussain	Karen McCarthy
Mohammed Aikhlaq	Shabrana Hussain	Saddak Miah
Alex Aitken	Mohammed Idrees	Brett O'Reilly
Safia Akhtar	Zafar Iqbal	John O'Shea
Olly Armstrong	Ziaul Islam	Robert Pocock
Kate Booth	Kerry Jenkins	Julien Pritchard
Sir Albert Bore	Julie Johnson	Hendrina Quinnen
Nicky Brennan	Brigid Jones	Chauhdry Rashid
Marje Bridle	Josh Jones	Carl Rice
Mick Brown	Nagina Kauser	Lou Robson
Tristan Chatfield	Mariam Khan	Kath Scott
Liz Clements	Zaheer Khan	Lucy Seymour-Smith
John Cotton	Narinder Kaur Kooner	Shafique Shah
Phil Davis	Chaman Lal	Mike Sharpe
Barbara Dring	Mike Leddy	Sharon Thompson
Fred Grindrod	Mary Locke	Lisa Trickett
Paulette Hamilton	Majid Mahmood	Ian Ward
Kath Hartley	Zhor Malik	Waseem Zaffar
Penny Holbrook		

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Abstentions (2)

Baber Baz

Morriam Jan

The fourth amendment in the names of Councillors Peter Fowler and Gareth Moore having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (19)

Robert Alden
Debbie Clancy
Maureen Cornish
Adrian Delaney
Eddie Freeman
Peter Fowler
Adam Higgs

Charlotte Hodivala
Timothy Huxtable
Meirion Jenkins
Bruce Lines
Ewan Mackey
Gareth Moore

Simon Morrall
David Pears
Gary Sambrook
Ron Storer
Ken Wood
Alex Yip

Against the amendment (56)

Muhammad Afzal
Mohammed Aikhlaq
Alex Aitken
Safia Akhtar
Olly Armstrong
Kate Booth
Sir Albert Bore
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Liz Clements
John Cotton
Phil Davis
Barbara Dring
Fred Grindrod
Paulette Hamilton
Kath Hartley
Penny Holbrook

Mahmood Hussain
Shabrana Hussain
Mohammed Idrees
Zafar Iqbal
Ziaul Islam
Kerry Jenkins
Julie Johnson
Brigid Jones
Josh Jones
Nagina Kauser
Mariam Khan
Zaheer Khan
Narinder Kaur Kooner
Chaman Lal
Mike Leddy
Mary Locke
Majid Mahmood
Zhor Malik
Karen McCarthy

Saddak Miah
Brett O'Reilly
John O'Shea
Robert Pocock
Julien Pritchard
Hendrina Quinnen
Chauhdry Rashid
Carl Rice
Lou Robson
Kath Scott
Lucy Seymour-Smith
Shafique Shah
Mike Sharpe
Sybil Spence
Sharon Thompson
Lisa Trickett
Ian Ward
Waseem Zaffar

Abstentions (4)

Roger Harmer
Jon Hunt

Paul Tilsley

Mike Ward

The fifth amendment in the names of Councillors Paul Tilsley and Jon Hunt having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

Meeting of City Council – 15 September 2020

For the amendment (24)

Robert Alden	Charlotte Hodivala	David Pears
Baber Baz	Jon Hunt	Julien Pritchard
Debbie Clancy	Timothy Huxtable	Gary Sambrook
Maureen Cornish	Morriam Jan	Ron Storer
Adrian Delaney	Bruce Lines	Paul Tilsley
Peter Fowler	Ewan Mackey	Mike Ward
Roger Harmer	Gareth Moore	Ken Wood
Adam Higgs	Simon Morrall	Alex Yip

Against the amendment (53)

Muhammad Afzal	Penny Holbrook	Karen McCarthy
Mohammed Aikhlaq	Mahmood Hussain	Saddak Miah
Alex Aitken	Shabrana Hussain	Brett O'Reilly
Safia Akhtar	Mohammed Idrees	John O'Shea
Kate Booth	Zafar Iqbal	Robert Pocock
Sir Albert Bore	Ziaul Islam	Hendrina Quinnen
Nicky Brennan	Julie Johnson	Chauhdry Rashid
Marje Bridle	Brigid Jones	Carl Rice
Mick Brown	Josh Jones	Kath Scott
Tristan Chatfield	Nagina Kauser	Lucy Seymour-Smith
Liz Clements	Mariam Khan	Shafique Shah
John Cotton	Zaheer Khan	Mike Sharpe
Phil Davis	Narinder Kaur Kooner	Sybil Spence
Barbara Dring	Chaman Lal	Sharon Thompson
Eddie Freeman	Mike Leddy	Lisa Trickett
Fred Grindrod	Mary Locke	Ian Ward
Paulette Hamilton	Majid Mahmood	Waseem Zaffar
Kath Hartley	Zhor Malik	

Abstentions (3)

Olly Armstrong	Kerry Jenkins	Lou Robson
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The Motion as amended having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the Motion as amended (60)

Muhammad Afzal	Penny Holbrook	Karen McCarthy
Mohammed Aikhlaq	Mahmood Hussain	Saddak Miah
Alex Aitken	Shabrana Hussain	Brett O'Reilly
Safia Akhtar	Mohammed Idrees	John O'Shea
Olly Armstrong	Zafar Iqbal	Robert Pocock
Baber Baz	Ziaul Islam	Julien Pritchard
Kate Booth	Morriam Jan	Hendrina Quinnen
Sir Albert Bore	Kerry Jenkins	Chauhdry Rashid
Nicky Brennan	Julie Johnson	Carl Rice
Marje Bridle	Brigid Jones	Lou Robson
Mick Brown	Josh Jones	Kath Scott
Tristan Chatfield	Nagina Kauser	Lucy Seymour-Smith

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Liz Clements	Mariam Khan	Shafique Shah
John Cotton	Zaheer Khan	Mike Sharpe
Phil Davis	Narinder Kaur Kooner	Sybil Spence
Barbara Dring	Chaman Lal	Paul Tilsley
Fred Grindrod	Mike Leddy	Sharon Thompson
Roger Harmer	Mary Locke	Lisa Trickett
Paulette Hamilton	Majid Mahmood	Ian Ward
Kath Hartley	Zhor Malik	Waseem Zaffar

Against the motion as amended (1)

Eddie Freeman

Abstentions (14)

Robert Alden	Charlotte Hodivala	Gary Sambrook
Debbie Clancy	Timothy Huxtable	Ron Storer
Maureen Cornish	Bruce Lines	Ken Wood
Adrian Delaney	Gareth Moore	Alex Yip
Adam Higgs	David Pears	

It was therefore-

19386

RESOLVED:-

1. Council welcomes the progress made since declaring a climate emergency and notes the Council's ambition to achieve a net zero carbon outcome as soon as possible for both its own operations and the City.
2. Approves that the target date for achieving net-zero carbon is set at 2030 for the city council's own operations, with further work to be done on housing and procured goods and services to understand the costs and consequences in these areas.
3. Notes the challenge of achieving the 2030 net zero carbon date for the City as a whole but commits the Council to working with partners and neighbouring local authorities to become the first City Region to become Carbon neutral. The Council's ambition remains to achieve a net zero carbon outcome as soon as possible and a revised date will not be set until these discussions have taken place.
4. Approves that an advisory group to Cabinet is established to oversee the City Council's own progress on achieving net zero carbon.
5. Approves that the City Council endorse the Recommendations for reducing the City Council's own emissions as set out in Table 2 of this report.
6. Notes the content of the Anthesis report and commits the City Council to work with partners to pursue the recommendations where practical and feasible, developing appropriate Action Plans for future Cabinet approval.

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7. However, this cannot be achieved without significant additional resources, powers, and flexibilities from Government.
8. The impending Local Recovery and English Devolution White Paper and Comprehensive Spending Review provide the opportunity for Government to get serious on Climate and facilitate action across all spheres of government.
9. With our neighbouring authorities and partners, we need to reach a collective understanding and make a shared commitment to working together to become the first City Region to reach net zero carbon.
10. Working from the bottom up with Birmingham's residents and businesses, the council will need to develop, and deliver in partnership, solutions that are just and relevant to people's and businesses' lived experiences.
11. Council welcomes the Executive's commitment for achieving carbon neutral for the Council's operations by 2030 whilst carrying out further work in the coming weeks to determine the contribution the housing and procured goods and services can and must make.
12. The Council therefore commits to:
 - i. Draw upon the recommendations set out within the Anthesis Report and work through the implications for all our key areas of operation, building upon the recommendations for reducing the City Council's own emissions.
 - ii. Facilitate the production of a fully costed action plan to be considered by Council in December 2020 which includes a comprehensive list of resources required from regional and national government to deliver the actions;
 - iii. Bring forward a plan and process for facilitating community and business participation in the determining of policy and priority for work in this area;
 - iv. Join with communities across the city in calling upon the Government to act now and provide the upfront investment and resources required to drive a just transition.
 - v. Require the Executive to introduce as soon as is practically possible a binding policy that all future decision reports shall incorporate a consideration of the impact of that decision on the Council's carbon reduction goals.
13. Notes that an annual report will be taken to Full Council to update on progress on reducing carbon emissions.

HOME TO SCHOOL TRANSPORT INQUIRY

The following report of the Education and Children's Social Care Overview and Scrutiny Committee together with an Executive Commentary was submitted:-

(See document No 10)

Meeting of City Council – 15 September 2020

Councillor Kath Scott in moving the motion indicated that wished to add an addendum to it.

The following addendum was read out

(See document No. 11)

Councillor Kerry Jenkins seconded the motion and addendum.

In accordance with Council Rules of Procedure, Councillors Alex Yip and Peter Fowler gave notice of the following amendment to the Motion:-

(See document No. 12)

Councillor Alex Yip moved the amendment which was seconded by Councillor Peter Fowler.

A debate ensued.

Councillor Kath Scott replied to the debate.

The amendment in the names of Councillors Roger Harmer and Julien Pritchard having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (23)

Robert Alden	Adam Higgs	Simon Morrall
Baber Baz	Charlotte Hodivala	David Pears
Debbie Clancy	Jon Hunt	Gary Sambrook
Maureen Cornish	Timothy Huxtable	Ron Storer
Adrian Delaney	Meirion Jenkins	Paul Tilsley
Eddie Freeman	Bruce Lines	Mike Ward
Peter Fowler	Ewan Mackey	Ken Wood
Roger Harmer	Gareth Moore	

Against the amendment (46)

Muhammad Afzal	Kath Hartley	Zhor Malik
Mohammed Aikhlaq	Penny Holbrook	Karen McCarthy
Alex Aitken	Mahmood Hussain	Saddak Miah
Safia Akhtar	Shabrana Hussain	Brett O'Reilly
Kate Booth	Mohammed Idrees	John O'Shea
Sir Albert Bore	Zafar Iqbal	Robert Pocock
Nicky Brennan	Ziaul Islam	Hendrina Quinnen
Marje Bridle	Julie Johnson	Carl Rice
Mick Brown	Brigid Jones	Lucy Seymour-Smith
Tristan Chatfield	Nagina Kauser	Shafique Shah
Liz Clements	Mariam Khan	Mike Sharpe
John Cotton	Zaheer Khan	Sybil Spence
Phil Davis	Narinder Kaur Kooner	Sharon Thompson
Barbara Dring	Chaman Lal	Ian Ward
Fred Grindrod	Mary Locke	Waseem Zaffar

Meeting of City Council – 15 September 2020

Paulette Hamilton

Abstentions (6)

Olly Armstrong
Kerry Jenkins

Julien Pritchard
Lou Robson

Kath Scott
Lisa Trickett

The motion as amended by the addendum having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the Motion as amended (69)

Muhammad Afzal	Adam Higgs	Gareth Moore
Mohammed Aikhlaq	Charlotte Hodivala	Simon Morrall
Alex Aitken	Jon Hunt	Brett O'Reilly
Robert Alden	Mahmood Hussain	John O'Shea
Olly Armstrong	Shabrana Hussain	David Pears
Baber Baz	Timothy Huxtable	Robert Pocock
Kate Booth	Zafar Iqbal	Julien Pritchard
Sir Albert Bore	Ziaul Islam	Hendrina Quinnen
Nicky Brennan	Kerry Jenkins	Carl Rice
Marje Bridle	Julie Johnson	Lou Robson
Mick Brown	Brigid Jones	Gary Sambrook
Tristan Chatfield	Nagina Kauser	Kath Scott
Debbie Clancy	Mariam Khan	Lucy Seymour-Smith
Liz Clements	Zaheer Khan	Shafique Shah
Maureen Cornish	Narinder Kaur Kooner	Mike Sharpe
John Cotton	Chaman Lal	Sybil Spence
Phil Davis	Mike Leddy	Ron Storer
Adrian Delaney	Bruce Lines	Sharon Thompson
Peter Fowler	Mary Locke	Lisa Trickett
Fred Grindrod	Ewan Mackey	Ian Ward
Paulette Hamilton	Zhor Malik	Mike Ward
Roger Harmer	Karen McCarthy	Ken Wood
Kath Hartley	Saddak Miah	Waseem Zaffar

Against the Motion as amended (2)

Eddie Freeman

Paul Tilsley

Abstentions (0)

It was therefore-

19387

RESOLVED:-

That the Executive provide an assessment of progress against the outcomes set out above, and the key areas listed in Section 7 in this report, to the Education & Children's Social Care Overview & Scrutiny Committee in March 2021.

Meeting of City Council – 15 September 2020

That the Chief Executive at Birmingham City Council:

- a.) Take steps to ensure that immediate changes will be made to the most pressing issues within the Travel Assist service, including [but not limited to] safeguarding of children, cancelled routes, guide changes, bus lateness, and telephone lines going unanswered;
- b.) Commission an external and independent inquiry into the Full Travel Assist Service that fully addresses the concerns laid out by Parents, Carers, Schools and other users of the service as listed in section 7 and listed in paragraph number a.) above, by providing clear recommendations, lines of accountability together with an open and transparent timetable for sustainable improvement;
- c.) Commission an external and independent investigation into the assurances that have been given to Members about the safety of the service and the status of improvements at meetings of Overview and Scrutiny, City Council and Audit Committee since January 2020

The investigations referred to in paragraphs b.) & c.) will report by 1 November 2020.

ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL 201920

The following report of Council Business Management Committee was submitted:-

(See document No 13)

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

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

(See document No. 14)

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

A debate ensued.

The Leader, Councillor Ian Ward replied to the debate.

The amendment in the names of Councillors Jon Hunt and Roger Harmer having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

Meeting of City Council – 15 September 2020

For the amendment (6)

Baber Baz
Roger Harmer

Jon Hunt
Morriam Jan

Paul Tilsley
Mike Ward

Against the amendment (63)

Muhammad Afzal
Mohammed Aikhlaq
Alex Aitken
Safia Akhtar
Robert Alden
Olly Armstrong
Gurdial Singh Atwal
Kate Booth
Sir Albert Bore
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Liz Clements
Maureen Cornish
John Cotton
Phil Davis
Barbara Dring
Peter Fowler
Eddie Freeman
Fred Grindrod

Paulette Hamilton
Kath Hartley
Adam Higgs
Charlotte Hodiola
Penny Holbrook
Mahmood Hussain
Shabrana Hussain
Mohammed Idrees
Zafar Iqbal
Ziaul Islam
Meirion Jenkins
Julie Johnson
Brigid Jones
Nagina Kauser
Mariam Khan
Zaheer Khan
Narinder Kaur Kooner
Chaman Lal
Mary Locke
Mike Leddy
Ewan Mackey

Zhor Malik
Karen McCarthy
Saddak Miah
Gareth Moore
Brett O'Reilly
John O'Shea
David Pears
Robert Pocock
Hendrina Quinnen
Carl Rice
Kath Scott
Lucy Seymour-Smith
Shafique Shah
Mike Sharpe
Sybil Spence
Sharon Thompson
Lisa Trickett
Ian Ward
Ken Wood
Alex Yip
Waseem Zaffar

Abstentions (4)

Debbie Clancy
Kerry Jenkins

Julien Pritchard

Lou Robson

The motion having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the Motion (56)

Safia Akhtar
Robert Alden
Gurdial Singh Atwal
Kate Booth
Sir Albert Bore
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Debbie Clancy
Liz Clements
Maureen Cornish
John Cotton
Phil Davis

Kath Hartley
Adam Higgs
Penny Holbrook
Mahmood Hussain
Shabrana Hussain
Mohammed Idrees
Zafar Iqbal
Ziaul Islam
Meirion Jenkins
Julie Johnson
Brigid Jones
Nagina Kauser
Mariam Khan
Narinder Kaur Kooner

Karen McCarthy
Saddak Miah
Gareth Moore
Brett O'Reilly
John O'Shea
David Pears
Robert Pocock
Hendrina Quinnen
Carl Rice
Lou Robson
Kath Scott
Lucy Seymour-Smith
Shafique Shah
Sharon Thompson

Meeting of City Council – 15 September 2020

Peter Fowler	Chaman Lal	Ian Ward
Eddie Freeman	Mary Locke	Ken Wood
Fred Grindrod	Mike Leddy	Alex Yip
Paulette Hamilton	Ewan Mackey	Waseem Zaffar
Roger Harmer	Zhor Malik	

Against the Motion (5)

Baber Baz	Morriam Jan	Mike Sharpe
Barbara Dring	Julien Pritchard	

Abstentions (10)

Mohammed Aikhlaq	Jon Hunt	Paul Tilsley
Alex Aitken	Kerry Jenkins	Lisa Trickett
Olly Armstrong	Zaheer Khan	Mike Ward
Charlotte Hodivala		

It was therefore-

19388 **RESOLVED:-**

The Recommendations made by the Independent Remuneration Panel on page 4 of its Annual Report be accepted and implemented with effect from 19 May 2020.

PROVISIONAL DATE OF THE NEXT MEETING

19389 The Deputy Lord Mayor asked Members to note that the provisional date of the next meeting of City Council is 3 November 2020.

The meeting ended at 1655 hours.

APPENDIX

Questions and replies in accordance with Council Rules of Procedure B4.4 F of the Constitution:-

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

A1 Land Search Requests

Question:

In the last 12 months what is the average time taken for the council to fully respond to Land Search requests for conveyancing and how many in that time have taken longer than 7 working days?

Answer:

During the 12 months 1st September 2019 to 31st August 2020, a total of 4,446 LLC1 and CON29 searches were processed. The average response time was 3.71 days with 2 taking more than 7 days.

The searches team has also received 950 letter requests in the 12 months 1st September 2019 to 31st August 2020 for additional information regarding highways. The average response time for dealing with these was 18.7 days. Of these 66 were completed in less than 7 days.

The closure of Council offices has resulted in officers receiving a surge in additional search requests under the Environmental Information Regulations (EIR). In normal circumstances these would be undertaken by private search agents at Lancaster Circus utilising publicly available systems. Council officers have to date dealt with 2,363 EIR requests in addition to normal workload. In this context, and that of the Government's stimulation of the housing market, delays have been encountered in processing this significant uplift in requests.

In mitigation, an additional 7 members of staff have now been trained and their duties reprioritised to support the substantive searches team of 2 officers. In addition, a new online service using Microsoft teams has been put in place to allow private search agents to resume their work with officer assistance. Search agents are pleased with the new system and have responded positively to it. Since its introduction they are reporting to be back to normal timescales having dealt with their backlogs for EIR searches.

Further efficiencies including the introduction of e-payments and e-forms are being investigated.

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

A2 Staff

Question:

Are staff responsible for carrying out land searches able to fully carry out their jobs from home with at least the same level of promptness as in the office? If not, when did they return to the office?

Answer:

Staff responsible for carrying out land searches are able to fully carry out their roles from home and continue to do so in the context of arrangements put in place to mitigate and control the COVID-19 virus. The searches process involves accessing data intensive systems and mapping, with some slowness experienced by officers due to home internet bandwidth and reliability limitations. The Council has provided 4G dongles to improve performance in this respect.

The closure of Council offices has resulted in officers receiving an additional 2,363 search requests under the Environmental Information Regulations (EIR), that in normal circumstances would be undertaken by private search agents at Lancaster Circus utilising publicly available systems. In this context and that of the Government's stimulation of the housing market, delays have been encountered in processing this significant uplift in requests.

In mitigation, an additional 7 members of staff have now been trained and their duties reprioritised to support the substantive searches team of 2 officers. In addition, a new online service using Microsoft teams has been put in place to allow private search agents to resume their work with officer assistance.

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

A3 Average Build Cost

Question:

What is the average build cost of each property type in the Athletes Village as per current business plan?

Answer:

The gross construction costs before taking account of the grant funding for the PBRS and sale receipts included on the RFBC approved by Cabinet in March 2020 are as set out in the following table:

Plot	Property Type	Number of Units	Estimated cost (£'m)	Cost per unit (£)
1	Apartments	125	31.094	248,752
3/4/5	Family Housing	58	15.000	258,620
6	Extra Care	268	64.848	241,970
7	Apartments	270	65.326	241,948
8	Apartments	217	39.290	181,060
9	Apartments	213	38.774	182,038

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

A4 Projected Sale Cost

Question:

What is the average projected sale cost of each property type in the Athletes Village as per the current disposal strategy?

Answer:

The disposal strategy for the accommodation to be provided at Perry Barr is currently being developed for the Council by Avison Young, taking into account the decision announced on 11 August 2020 that the scheme would no longer be used to accommodate athletes and officials for the 2022 Commonwealth Games. This will provide a robust assessment of the likely disposal proceeds for the overall scheme, that will help to fund construction and site assembly costs alongside the various grants secured to support the regeneration, including £148m from Government and £20m from the Combined Authority.

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

A5 German Market

Question:

What costs will the Council incur should the German Market need to be cancelled this year due to Covid without any notice?

Answer:

The Frankfurt Christmas Market is one of Birmingham's great festive events, attracting millions of people to the city centre – so it is disappointing we won't be hosting the market this year, but I welcome the organiser's decision to put the public's health and safety first. It is not envisaged that there will be any cost to the city council as a result of the organisers decision.

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

A6 Maintenance on Council Asset

Question:

Since 2012 can you provide a list of all maintenance carried out on each council asset (non-housing)?

Answer:

The information requested would take too much officer time to access and collate. If there are specific council assets of interest, please advise and officers will look at them on an individual basis.

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

A7 Local Monuments

Question:

Will the Leader commit to publishing in full his review into the appropriateness of local monuments and statues on public land and council property for debate at a Council meeting before any statues are removed?"

Answer:

Other than for the standard reasons of development (such as Paradise Circus in the city centre) or dilapidation or if the statue is deemed unsafe, there is currently no intention to remove city council owned statues or monuments.

Officers will however be undertaking a review of the appropriateness of the current interpretation of controversial subjects in the public realm, several of which were identified as part of the Black Lives Matter movement.

Where relevant, these statues and monuments will have a refreshed and updated interpretation as part of a holistic portrait of the subjects concerned. This could include new plaques and the introduction of technology such as QR codes where people can access fuller details of the subject via their mobile device.

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

A8 Brummie Rule

Question:

Will you commit to investigating the possibility of a ‘Brummie rule’ for jobs with the City Council to ensure better representation at all levels of the organisation of people who live in the city?

Answer:

The council are proud that our workforce is already predominantly ‘Brummies’, with 91% of staff having a Birmingham home postcode.

We have also already committed that new apprentices hired by the council will mainly be Birmingham residents.

On 8th September 2020, the Cabinet approved a report called ‘Everyone’s Battle, Everyone’s Business: Tackling Inequality in Birmingham’ that seeks to address improved representation across all equality characteristics.

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

A9 Athletes Village Decision

Question:

Could the Leader set out the process by which it was decided that the new village in Perry Barr would no longer be used as an Athletes Village for 2022, setting out his own role in the making of this decision?

Answer:

The Commonwealth Games Federation approved the final decision to switch to a campus village model as a result of the challenges to project delivery caused by the coronavirus pandemic.

This was via their Executive Board on July 31 of this year.

Prior to the pandemic, the delivery plans showed that the project was on track to be delivered in time for the Games, but the Birmingham 2022 Games Partners also had a range of contingency plans available in case any unforeseen events hit the project.

The Birmingham 2022 board, which I sit on, agreed its preference for a campus village solution, if an alternative was ultimately needed.

However as stated above, the authority to approve a final decision rested with the CGF who, based on all of the information available, made their decision on July 31.

The reason the CGF was required to approve this decision is because it was a material change to the Host City Contract

For clarity, I do not sit on the CGF Executive Board.

WRITTEN QUESTION TO LEADER OF THE COUNCIL FROM COUNCILLOR MORRIAM JAN

A10 Perry Barr Regeneration Governance

Question:

Now that the Perry Barr Regeneration project is being reviewed and is no longer needed for the Commonwealth Games, could the Leader assure Council that meaningful governance structures will be created for the project that involve the Ward Councillors that are affected, ie those of us in Perry Barr, Aston and Birchfield wards, bearing in mind his previous commitments to take action on this in line with good practice developed for other regeneration projects?

Answer:

The delivery of much needed housing and associated transport infrastructure and public realm improvements, remain vital to the future sustainable growth in our City, and is one of the Council's priorities for delivery. This is why I led the discussions with central Government to ensure that all of the funding promised to the city council to deliver this scheme remains committed.

The decision not to use the Perry Barr Residential Scheme, which is just one part of a wider programme of regeneration works in Perry Barr, to accommodate athletes and officials at Games-time means that there is an opportunity to reconsider how that element of the overall programme is delivered, to ensure the best possible outcomes to meet the councils long term requirements. The delivery of the transport infrastructure projects will still be delivered prior to the 2022 Games and will facilitate improved access to and from key venues during the Games in this part of the city as well as providing a legacy.

Officers will continue to ensure there is effective Governance in place for this programme of works and will continue to engage with local councillors on this and future phases of the wider regeneration programme of works as they progress.

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

B1 Complaints

Question:

What is the average time taken to resolve a complaint to the Council and what percentage take longer than 10 days?

Answer:

Based on the current financial year performance data (April-2020 to July-2020):

- On average, complaints take 5.51 working days to resolve.
- 18% of complaints take longer than 10 working days to resolve.

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

B2 Unresolved Complaints

Question:

What percentage of complaints to the council are escalated from the first stage due to the complainant feeling the matter is unresolved?

Answer:

Based on the current financial year performance data (April-2020 to July-2020):

8.2% of complaints received were escalated from the initial investigation stage to the next stage.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
COUNCILLOR MAUREEN CORNISH**

C1 School Support Services

Question:

Have all school support services (educational psychologists, communication Autism Team etc.) resumed school visits now all schools are fully reopen? If not, why not and how are these important services being delivered instead?

Answer:

For each of the school support service areas risk assessments have been undertaken and school visits are taking place, with many restricting access to one visit per day to minimise the risk of transmission. Although it is important to note that some settings are expressing a preference for ongoing virtual meetings whilst they are settling in the new intake of children. Allowing schools to ensure they are meeting all requirements in the current COVID environment before receiving external visitors so a blended model of support will be ongoing. Larger meetings will continue to be held virtually.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR JOHN LINES**

C2 Home to School Transport Arrangements

Question:

By what date did all parents who use home to school transport receive all necessary details of the arrangements and route for the September term?

Answer:

Letters were sent in stages according to school start dates. Schools due to start for 1, 2, 3 September letters were sent by 28 August 2020 either via the postal system which arrived Saturday or via the contractors on 29 August 2020 which were handed out in person by the contractor meet and greet door to door.

Additional letters were sent out on 3 September 2020 with all being sent 5 September 2020.

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

C3 Home to School Transport Cancellations

Question:

In the first week of school reopening, how many routes on the Home to School Transport were cancelled?

Answer:

In the first 5 days of the new school term (to 8 September) there were just over 120 routes cancelled out of 3000 routes. This equates to an average of 30 routes on any given school day. The cancellation rate is 4% which is not acceptable but we are working in unprecedented times and we have also seen a 25% increase in demand for home to school travel.

This academic term we have an additional 173 routes to cope with school bubbles and to remain in line with government guidelines.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR MEIRION JENKINS**

C4 Complaints

Question:

In the first week of school reopening, how many complaints did the council receive about the home to school transport service?

Answer:

We have received 5 formal complaints and 5 formal councillor enquiries since 1st September 2020.

In addition we have received a significant number of emails on a variety of home to school transport related matters that are currently being dealt with by the service.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR CHARLOTTE HODIVALA**

C5 Breakdown of Contracts

Question:

At more than one Scrutiny meeting I have asked – and been promised – a breakdown of the contracts for home to school transport detailing what is actually contracted and paid for. Despite promises, this has still not been provided. Can you please provide that detail here along with an explanation of why the executive and officers were unable to respond to legitimate requests from scrutiny that they committed to providing?

Answer:

The below outlines what is covered in the contract in terms of the specifics for this service and the clauses are underpinned by general contractual conditions to ensure all obligations and commitments are clear for both parties.

As an overview, the contracts confirm that the duties of BCC are to arrange transport for children who are in specific circumstances, provide context to the Home to School Service at BCC and they outline the Council's vision to ensure every eligible pupil is able to access safe and efficient services that are reliable and flexible, and are appropriate to their needs. The aim of ensuring pupils arrive at their destination safely, giving them the best possible opportunity to start the day ready to learn, is clear.

The below areas are then covered in detail within the contract service specification, stating exactly what the providers and the Council's obligations are for each area:

1. Legislation

Requirement to comply with specific legislation and guidance (e.g. Department for Education (DfE) Home to School Transport Statutory Guidance July 2016; <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance> and the DfE Transport to education and training for people aged 16 and over <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training>) and the BCC Code of Conduct, along with the requirements relating to Enhanced DBS & Barred List Checks.

2. Communication

Confirmation of how bookings, work scheduling and co-ordinating effective transportation arrangements between the Council and provider will operate.

3. Health & Safety

Requirements detailed specifically including emergency arrangements, accident reporting, needs assessments, safety on board and compliance with school site arrangements.

4. Licensing

Requirements in terms of Private Hire, PCV, taxation and documentation.

5. Safeguarding

Detailed requirements covering expected standard, authorised provider employees, DBS, training, accident and incident reporting, emergency procedures and Councils right to audit.

6. Service Performance Standards & Penalty Points

Reliability, codes of conduct, contract performance monitoring eg route checks/school visits and the penalty point system is detailed. For example, the providers must supply evidence of employees, vehicle licenses, daily vehicle check reports, maintenance and MOT reports etc upon request.

7. Satisfaction Surveys, Comments, Compliments & Complaints

Feedback from schools and families is requested to monitor and assess standards. Escalations, policies and the ability to remove particular employee(s) are included.

8. Seating Capacity

Reinforcing vehicle licensing and physical requirements for users.

9. Pick Up & Drop Off Arrangements

Authorised points only must be used. Parent/carer to board child and Provider to ensure child is only handed over to responsible adult.

10. Pupil Guides

Outlines the process of picking up and dropping off the guides

11. Journey Times

This covers recommended journey times, timings for school drop offs/pick ups, delays, cancellations, school closures and breakdowns.

12. Route Work with additional clauses around SEND

Describes who may travel in the vehicles, continuity of staff and how changes are managed, route efficiencies, parent/carer responsibility to accompany child to/from vehicle and how equipment changes will be managed.

13. Vehicle standards, design requirements and equipment

Minimum standards eg MOT specified along with legislative requirements detailed.

14. Additional provisions for transporting children

Requirements on signage, safety specifics such as booster seats/restraints etc, absence reporting specified.

15. Vehicles carrying wheelchair passengers

DoT Guidance specified, driver responsibilities on loading, securing and unloading wheelchair users detailed and specifics on equipment and fittings.

16. Provision for complex needs children and associated risk assessments.

Requirement for both parties to jointly risk assessment and create travel plans for complex needs children.

General Contractual Points for note:

- The Home to School Transport Dynamic Purchasing System (DPS) was established on 1 November 2019 and set up for 4 year period from contract award date and has an annual value of approx. £10.5M.
- National Express Accessible Transport Ltd (NEAT) hold a separate contract with BCC owing to collapse of a previous incumbent supplier ATG. This has an annual value of approximately £6.2M
- In total there are 17 commissioned suppliers currently providing transport to BCC covering approximately 190 schools. The list of suppliers is on the next page.
- Over 4000 children are on contracted transport.
- The majority of children are transported in 9-16 seater minibuses. Approximately 800 children are transported in cars/MPVs.
- NEAT are the largest provider transporting approximately 1500 children on 215 minibuses daily (pre-COVID figures).
- All providers are paid on 30 day terms in consideration of the satisfactory performance of their obligations.

There has been a delay in finalising the information to this request.

In response to the challenges that have presented and a drive to improve data and contract management, alongside embedding more effective communication, a procurement activity has been undertaken to commission a new IT system. A preferred provider has now been selected and a contract awarded. There is a mobilisation plan in place to ensure the key milestones are achieved with a view to full implementation across the academic year 2020/21. The new IT system will include a central, secure location for storage of information enabling robust data, contract and communication management. A suite of reports will be available that will allow for responsive, up to date, validated, accurate and timely information to be provided.

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

C6 Breakdown of Contracts

Question:

On how many occasions in the last 3 years has a child being taken to the wrong school\placement by the Home to School Transport Service?

Answer:

In September 2020, 7 children were taken to the wrong school by a home to school transport provider. A full investigation is underway to understand the reasons why and fully address the issues.

In the previous 3 academic years this has happened on one further occasion.

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

C7 SEND Expenditure

Question:

Please provide a breakdown of expenditure on SEND mediation services in the last academic year by provider and by type (refusal to assess/refusal to issue/content of EHCP).

Answer:

Payments made to SEND mediation services in the last year by provider:

Provider	Amount	Refusal to Assess	Refusal to Issue	Content of EHCP
Kids	£42,077.40	74	29	54
Prime resolution	£2,460.00	2	1	1
Resolution Dynamics Ltd	£75,260.00	61	24	0

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR ADAM HIGGS**

C8 EHCP's

Question:

The Council has a statutory duty to have reviewed, amended and finalised EHCPs for young people transferring to Post-16 provision this September by 31st March this year. This duty was not affected by the Coronavirus Act. Please tell us how many of these plans should have been issued (in numerical and percentage terms) and how many actually were issued by the deadline?

Answer:

While it is correct to say that, for this particular cohort, the duty to amend and finalise EHCPs by the deadline of 31 March 2020 was not affected by the Coronavirus Act, there were nevertheless significant practical issues resulting from the Covid 19 crisis that affected our ability to comply with the deadline. A major emergency was declared by the Council on 24 March 2020 and all staff were by then complying with the instruction to work from home. This impacted on the ability to print amended EHCPs and issue letters remotely via a temporary mailing service. As a result, while notices of intended decisions were issued in February 2020 in accordance with our usual practice, final EHCPs were not issued until 27 April 2020.

Number of Pupils Transitioning to Post 16 in September 2020	664	
Notice of Intent issued in February 2020	645	97%
Finals issued to Date (All issued on 27 April 2020)	658	99.1%
Finals issued by deadline	0	0%

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR DAVID BARRIE**

C9 Numbers

Question:

For routes from September 2020, what is the average number of children on each bus in the home to school transport service, and what is the highest number on any one bus?

Answer:

The maximum number of children transport on a single vehicle is 11.

On average the estimated number of children on each bus is six. With the lowest number being one.

The largest vehicles used are 16-seater minibuses.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR DAVID PEARS**

C10 Length of Route

Question:

For routes from September 2020 what is the average length of each route in the home to school transport service and what is the longest route (in time)?

Answer:

This information is not currently available. We have contacted operators to ask for this information be provided by the end of this week. This information will then be collated.

It is important to note that the average length of routes this academic year has changed due to new COVID ways of working introduced, which has led to additional routes being put on to maintain safety of school bubbles.

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

D Action Plan

Question:

Can you publish the action plan for a second wave in the Covid pandemic you referenced at the last Council meeting?

Answer:

There was no mention of an action plan by the Cabinet Member. There is on the City Council's website a copy of the Birmingham Covid-19 Local Outbreak Plan.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR KEN WOOD**

E1 Appeals

Question:

What is the average time taken to review appeals against removal from the housing register and how many cases over the last 3 years have taken longer than 8 weeks?

Answer:

In the 3 years 1/9/17-1/9/20 the team completed 6322 reviews, so in the period in question just over 10% of reviews went over 8 weeks.

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

E2 Housing

Question:

When was the last time council properties in the following roads in Longbridge and West Heath were painted? Edgehill Road, Chirbury Grove (off Edgehill), Fairfax Road, Merrishaw Road, Condoval Road, Broseley Avenue, Clunbury Road, Titterstone Road, Cropredy Road, Clee Road, Sibdon Grove

Answer:

The last painting programme on this estate was in 2005/06, as part of the “Decent Home” initiative. The City Council is experiencing significant pressure on the capital investment programme, the housing division is undertaking a complete review of the programme to identify opportunities for additional investment in the Council Stock over the forthcoming years.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES & NEIGHBOURHOODS COUNCILLOR BABER BAZ

E3 Digital Autopsy Scanner Trial Up-Date

Question:

Can you provide an update on the Digital Autopsy Scanner trial?

Answer:

Birmingham and Solihull Coroners service have sent 441 cases for CT scans in the period 1 July 19 to 31 July 2020, figures for August 20 are not yet available. 240 scans have identified cause of death and 201 cases have required an invasive post mortem following the CT scan.

Since July 2019 nine scans have been requested by families with three identifying cause of death, (there have been no family requests since the last update at the beginning of July), as well as five requests from the Police with three requiring an invasive post mortem.

The results have not achieved expected levels of diagnosis from CT scans, but this continues to improve, has been steadily improving during the trial period and the CT scan consistently achieves 52% diagnosis of cause of death. The City Council has met its obligations in terms of the numbers (250) for the pilot scheme. The pathologists remain concerned about the reporting, the inability to discuss cases and the 'mechanical' nature of the process. The Senior Coroner met with i-Gen and pathologists to work through these issues to ensure there were improvements in performance. Some operational issues have been addressed over transport of bodies and scheduling of scans by the Interim Assistant Director.

The formal review of the pilot has been delayed due to the pressure of work on the service due to Covid19, but is due to take place in the coming months, so in order to maintain the service an extension of the pilot has been agreed. In this extension a commitment has been given to send 500 bodies in the coming year. This will enable the future service provision to be considered and procured.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR EWAN MACKEY**

E4 Drainage Gullies Cemeteries

Question:

Who is responsible for clearing and cleaning out the drainage gullies on roads within our cemeteries?

Answer:

The Cemetery Operatives are responsible for the clearing and cleaning of the drainage gullies within the city cemeteries. In addition, a roadsweeper is brought in to clean the roadways when required, which is usually more often throughout the Autumn/Winter period or following heavy winds due to the increased leaf fall.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR BRUCE LINES**

E5 Maintenance Programme

Question:

What routine maintenance programme is in place for the clearing and cleaning out the drainage gullies on roads within our cemeteries?

Answer:

Cemetery Operatives regularly sweep the roads and pathways and a roadsweeper is brought in to clean the roadways when required, which is usually more often throughout the autumn/Winter period or following heavy winds due to the increased leaf fall.

Due to minimal leaf fall during the summer period the roadsweeper had not been required for several months.

Due to recent weather changes, the roadsweeper has been attending relevant sites once every two weeks.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR ADAM HIGGS**

E6 Handsworth Cemetery

Question:

On what exact date were the gullies last cleaned/cleared at Handsworth Cemetery last cleaned prior to the recent flooding?

Answer:

The exact date is not recorded but the last time that the gullies were swept was in July 2020.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR BOB BEAUCHAMP**

F1 Slab and Cab

Question:

Are all relevant waste employees now fully trained and fully utilising the Slab in the Cab technology or is anyone still working of paper copies of forms?

Answer:

The original 'Slab in the Cab' technology was installed in 2015 and extensive training began in October 2015 until August 2016. All relevant staff were given a briefing, a practical demonstration, a fully comprehensive handbook and later a FAQ sheet.

The current technology is now due to be replaced. Some of the equipment is failing therefore teams are operating with manual documentation where necessary.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR NEIL EUSTACE**

F2 Early Binmen

Question:

Residents have reported some crews starting work as early as 5am or even earlier from the Perry Barr depot. Whilst the industry of the crews is to be applauded, it does inevitably lead to complaints about disturbance at that time of the morning. Could the Cabinet Member explain the benefits of such early starts?

Answer:

During the Covid 19 pandemic it has been necessary to stagger the start times of all the crews to minimise the potential contact within the depot and this has resulted in earlier start times. We decided to start earlier rather than later to ensure that our crews can safely drive around the City whilst causing the minimum amount of disruption.

I agree the teams have been incredibly industrious during the pandemic and maintained our important collection service. I will ask depot managers to reiterate to crews the need to operate as quietly as possible.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR PAUL TILSLEY**

F3 Flytipping

Question:

Could the Cabinet Member provide a report on the number of complaints about flytipping and the number of incidents logged by month for the last two years?

Answer:

Table 1 and 2, below show: (1) the service enquiries recorded in the Council's waste management and regulatory teams databases that reference involvement of or that were categorised at the initial reporting stage as relating to waste/rubbish; and (2) the incidents reportable as 'fly-tipping' under the statutory DEFRA's Waste Data Flow arrangements.

The total number of service enquiries/reports does not equate to the number of reportable incidents, which is due to a number of reasons which includes, but that is not limited to: duplicate enquiries/incidents being reported more than once, by different reporters or on multiple dates or to different council teams; enquiries for which linked records are created in the electronic database for the purpose of assisting with job management; and enquiries where waste/rubbish may not subsequently be identified as the route cause or primary element of a multi-issue referral.

Table 1			
<i>Financial Year</i>	<i>2018-19</i>	<i>2019-20</i>	<i>2020-21</i>
Apr	2447	2579	2173
May	2769	2200	2380
Jun	2825	2006	3369
Jul	2754	2947	3799
Aug	2480	2209	
Sep	2119	2273	
Oct	2203	2223	
Nov	2027	1962	
Dec	1748	1925	
Jan	2310	2277	
Feb	1792	2091	
Mar	2114	1606	
TOTAL	27588	26298	7922

Table 2			
<i>Financial Year</i>	<i>2018-19</i>	<i>2019-20</i>	<i>2020-21</i>
Apr	1631	1843	2001
May	1351	1764	1667
Jun	1473	1441	2106
Jul	1801	2068	
Aug	1619	1756	
Sep	1494	1834	
Oct	1371	1958	

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Nov	1234	1781	
Dec	1170	1855	
Jan	1520	2190	
Feb	1353	1637	
Mar	1558	1634 *	
TOTAL	17575	21761	5774

** - Includes fly-tipping captured by the service but not reported by residents and is therefore a higher figure than for March in Table 1*

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR ROGER HARMER**

F4 Tip Visits

Question:

Can the Cabinet Member advise how many visits have been made by residents to each of the Council's Household Recycling Centres, per week, since they re-opened following lockdown. How do these numbers compare with the same weeks last year?

Answer:

Please see the table below, The impact to the Household Waste Recycling Centres has been felt greatly, with the need to ensure that Social Distancing takes place on all sites has led to a significant reduction in the amount of vehicles that can be processed through the sites. This led in the immediate return to very heavy queuing at all sites, with waiting times ranging between 2.5 and 4 hours leading to disruption to local communities and businesses that neighbour the sites. A booking system was introduced to help to ensure that residents could gain access to the sites without severe disruption to their day. Since the introduction of the booking system we have worked closely with our provider to release as many slots as we are able whilst still ensuring the safety of our users. This has led to an increase of around 29% since the launch. We will continue to work with our provider to ensure that where it is possible we will look at all options to further extend the offer to our users as we move forward, The booking system will also allow the flexibility to react to any government changes around Covid requirements should this be necessary.

Week Number	Castle Bromwich *	Perry Barr	Kings Norton	Sutton Coldfield	Tyseley
Week 19 2019	3628	5229	7304	6969	7079
Week 19 2020	0	995	909	756	904
Week 20 2019	4832	7439	9164	9115	9228
Week 20 2020	0	3278	2021	1909	2172
Week 21 2019	4954	7521	9625	9200	9065
Week 21 2020	0	3150	1910	2048	2233
Week 22 2019	4948	7686	9301	9096	9366
Week 22 2020	0	2392	1925	2086	2260
Week 23 2019	3890	5772	7927	7163	7358
Week 23 2020	0	2214	2042	2093	2233
Week 24 2019	3069	4698	6321	6046	6184

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Week 24 2020	0	2297	1983	2155	2114
Week 25 2019	4367	6518	8843	8508	8461
Week 25 2020	133	2330	1844	1880	1761
Week 26 2019	4600	7095	9121	8708	9221
Week 26 2020	1706	2394	1999	1817	1869
Week 27 2019	5355	7749	10265	9562	10548
Week 27 2020	1684	2333	1967	1835	1895
Week 28 2019	4936	7236	9665	8881	9986
Week 28 2020	1821	2596	2229	2059	2093
Week 29 2019	4994	1359	8777	9863	8564
Week 29 2020	1873	2596	2225	2057	2113
Week 30 2019	5069	1389	8987	10017	8583
Week 30 2020	1916	2551	2282	2090	2163
Week 31 2019	4345	6483	9020	8256	7831
Week 31 2020	1819	2548	2367	2091	2088
Week 32 2019	5130	7065	9511	9734	8991
Week 32 2020	2274	3011	2730	2504	2652
Week 33 2019	4116	5933	8528	8101	7221
Week 33 2020	2223	3045	2682	2437	2501
Week 34 2019	5122	7464	10017	9751	9806
Week 34 2020	2042	2887	2466	2353	2376
Week 35 2019	5031	7266	9800	9420	9313
Week 35 2020	1825	2877	2514	2341	2388

* Castle Bromwich HRC was closed until 18 June 2020 to accommodate urgent works to the highway

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR ZAKER CHOUDHRY**

F5 Park Life

Question:

Could the Cabinet Member set out the Council's estimates for use of city parks this year compared with last year?

Answer:

The latest Google GB Covid Mobility reports shows an increase in UK footfall across the UK parks at 67%. There is no individual data for Birmingham but the increase in footfall across the West Midlands is at 93%.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DAVID PEARS

G1 Free Bike Schemes

Question:

What has been the results of the Council's Free Bikes schemes for residents, including how many were given out, how many were subsequently returned for not being used and participation rates in follow up surveys?

Answer:

Delivered as part of the Birmingham Cycle Revolution programme, Big Birmingham Bikes was designed to improve health and wellbeing, social mobility, and access to employment opportunities by encouraging people to cycle more often and reduce short trips being made by car.

Over 7,000 free bikes were given away through the Council's Free Bikes scheme to people living in the most socially deprived parts of the city, alongside provision of cycle training and bike maintenance sessions.

- 81.2% of the bike owners are from the most deprived quintile, compared to 56.8% of Birmingham's population
- 62.2% of bike owners are from BAME backgrounds
- 70% of bike owners are from mosaic groups with the highest inequality

This initiative continues to be delivered by The Active Wellbeing Society (TAWS) as part of their Big Bike Project. They have produced a case study highlighting impact of this initiative to date, including the following results from participant surveys:

- 74% have improved health/fitness from using their free bike
- 73% have increased cycling confidence by using their free bike
- 43% have replaced car journeys of 1 mile or more with cycling
- 18% have met new people through using their new bike

With regards to bikes being returned to the project, TAWS have informed us that on average they get a couple of bikes per month. These bikes are repurposed and then distributed back out into one of their cycle hubs for general use.

Further details on the success of Big Birmingham Bikes and the Birmingham Cycle Revolution programme can be found at www.birmingham.gov.uk/bcrlegacy.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DEBBIE CLANCY

G2 Consultation

Question:

What consultation took place with Emergency Services prior to the installation of the temporary traffic measures such as pop up cycle lanes and pavement widening?

Answer:

The Emergency Active Travel Fund Tranche 1 comprises a range of schemes including pop-up cycle lanes and low traffic neighbourhoods. All scheme designs were shared with contacts at the emergency services (Fire, Police and Ambulance) prior to installation of the schemes. In addition, designs were shared with contacts at NHS Hospital Trusts on, or close to, schemes.

Pavement widening has also taken place in some local centres as part of emergency Covid-19 funding and Reopening High Streets Safely Fund. This additional space in areas of high footfall enables safer social distancing. Schemes were discussed with the Council's Community Safety Team and supported by local policing teams, such as in Erdington.

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

G3 Risk Assessment

Question:

What risk assessment took place prior to the installation of the temporary traffic measures such as pop up cycle lanes and pavement widening to assess the suitability of access for emergency vehicles?

Answer:

A number of risk assessments were completed prior to the installation of the temporary traffic measures. These consisted of designer risk assessments, road safety audit reports and dilapidation surveys.

Independent road safety audits were carried out during the development stage, with a further Road Safety Audit to be carried out following implementation on site. Any comments raised will be reviewed and addressed as necessary.

Access for emergency vehicles was considered during the design, and plans were shared with the emergency services for information.

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

G4 Dangerous No Parking Signs

Question:

Councillors in the Perry Barr Constituency have been told that they can no longer have ‘no parking on the grass’ signs placed in verges under the Local Highway’s budgets for health and safety reasons. Could the Cabinet Member tell me how many times the Council has been successfully sued because of injury or damage caused by a “No Parking on the Grass Verge” sign, setting out the costs of any such action?

Answer:

There are a number of reasons why the signs in question are no longer being replaced, principally because the legislation that these historic “No Parking” signs refer to no longer exists. Therefore, it is not appropriate to reinstate signs that promote restrictions that can no longer be enforced.

There are other issues that need to be considered when replacing or creating signs on our roads including the visual impact on the streetscene and street clutter. The overall objective is to ensure that only signs that are absolutely necessary are placed on the highway as every post adds to clutter, cost and the potential for those items to be a hazard in certain circumstances (e.g. road traffic collisions, obstructions to partially sighted pedestrians, etc.).

So, whilst there have been no identified cases where the Council has been found to be at fault in those circumstances, the practice we have adopted for many years to assess the necessity for each new or replaced sign on the highway (which includes an assessment of any unnecessary risk being created to road users) is correct and aligns with best practice across the country.

With respect to grassed verge parking measures, through the provision of additional local ward funding in recent years, we have sought to look at more practical and effective measures to protect grass verges across the city, such as new Traffic Regulation Orders, double kerbing and the placing of ‘No parking on verges’ stickers on nearby lamp columns.

Therefore, if members wish to consider such measures within their ward, Local Engineering Officers would be pleased to work with the local ward councillors to identify suitable locations for such measures.

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

G5 High Speed Bus Times

Question:

The roadworks, demolition of Perry Barr flyover and planned traffic lights at Perry Barr will slow down the express X51 service, Bus lanes are being put in at great expense to speed it up again. Can the Cabinet Member confirm whether he believes this is a huge waste of public expenditure so that a bus can run at the same speed as before, if not, setting out in what way the work will improve the X51 service, which provides a high speed service from Walsall, Great Barr and any proposed park and ride on junction 7 of the motorway?

Answer:

The A34 Perry Barr highway works are providing priority for public transport and active modes in line with the draft Birmingham Transport Plan and enabling the significant regeneration of Perry Barr including 1000's of new homes, public realm improvements, and a new rail station.

New bus priority on the A34 through Perry Barr will be delivered through the A34 Perry Barr highway works, as a key part of the wider TfWM A34 Sprint project, which will make all bus journeys more reliable on the A34. As part of the proposals express bus services such as the X51 will be able to use the new bus lanes, and the underpass at the Aston Lane/Birchfield Road, and it is therefore expected that overall journey times from Walsall, Great Barr, and potential park and ride sites along the route will be shorter and more reliable than before.

**WRITTEN QUESTION TO THE CHAIR OF THE PLANNING COMMITTEE FROM
COUNCILLOR PAUL TILSLEY**

H1 HMO'S

Question:

Could the Chair set out how many applications have been made for conversion to HMO under the Article 4 direction that came into force in June, setting out how many have been approved and how many refused?

Answer:

The city-wide Article 4 Direction relating to the change of use from a C3 dwellinghouse to a C4 HMO (3-6 people sharing) came into force on the 8 June 2020.

Since the 8 June, a total of 9 planning applications have been received for a change of use from a C3 dwellinghouse to a C4 HMO. Of these, one has been approved, one was refused, and one was withdrawn by the applicant. The rest are in the process of being considered.

During the 1-year notice period, prior to the Article 4 Direction coming into force, the City Council encouraged landlords and developers of HMOs to self-declare their C4 HMOs.

In total, we received 2,600 declarations before 8 June 2020. Of these, we have accepted 1,547 and rejected 771. For the rest (282) we have requested further evidence about the HMO use and are continuing to receive further evidence documents. The accepted and rejected numbers will therefore change as the processing of the remaining 282 declarations conclude, but this is the snapshot of the figures as they are at today.

**WRITTEN QUESTION TO THE CHAIR OF THE PLANNING COMMITTEE FROM
COUNCILLOR MIKE WARD**

H2 Directive

Question:

Were you consulted about the directive issued on 7th August, shown below?

“Dear Councillors,

As part of an ongoing drive to improve the Councils planning enforcement function, along with the ongoing work to introduce the Councils first Local Enforcement Plan, we have recently been working on a complete re-design of the online complaints procedure which is now finished and went live yesterday.

In order for this to be successful we need your help as all planning enforcement enquires must now follow the process as set out below:

In the first instance, all constituents must now be directed to the online complaints page which can be found at

https://www.birmingham.gov.uk/info/20160/planning_applications/23/planning_enforcement . If you wish to make a complaint on behalf of your constituent please can you also refer to the online form in the first instance.

Significant improvements have been made to the online complaints form to capture more specific detail relating to each enquiry. Furthermore the form has been designed so that links to guidance regarding PD, Advertisements, Listed Buildings and other common issues are now encapsulated within the online form. The intention is for this guidance to evolve as we go along and it is hoped this will improve the efficiency of the enforcement service by reducing the number of non-planning or basic PD enquiries and in turn allow us to concentrate our efforts on more serious breaches of planning control.

To encourage this new approach, wherever possible please can you advise your constituents to make use of the guidance provided in the form before they submit the complaint, as this may save them time filling out the form and will also potentially answer some of the concerns they may have wanted us to investigate.

The most significant change to the process that I need to explain is we no longer accept anonymous complaints. We have taken this decision as a large proportion of anonymous complaints are found to be neighbour disputes and in cases where we do not have a contact to go back to, it is difficult to obtain feedback which hinders evidence gathering and proves problematic for monitoring purposes and case investigation. This change is clearly explained in the online complaints form and generally the only exceptions will be the most serious of allegations, for example damage to a listed building or cutting down protected trees. If anybody questions this change, we should provide reassurance that any details provided will be strictly confidential.

If you have any concerns or require any further information regarding the new complaint form or the process to be followed please do not hesitate to contact me.

Thank you all for your assistance.

James Wagstaff

Head of Enforcement & Technical Services”

Answer:

The decision to introduce the new complaint form was an operational one to improve the enforcement service and as such there was no requirement for me to be consulted. The procedural change was agreed by the Director of Inclusive Growth as part of ongoing service improvements. Concerns have been expressed by various members who have perhaps misunderstood what these changes mean, and I have asked the Head of Enforcement to send out further clarification before Council.

**MEETING OF BIRMINGHAM
CITY COUNCIL
3 NOVEMBER 2020**



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 3 NOVEMBER 2020 AT 1400 HOURS AS AN ON-LINE
MEETING**

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

Councillors

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

NOTICE OF RECORDING

19390 The Deputy Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where there are confidential or exempt items.

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

The Deputy Lord Mayor requested that Members ensure that their video cameras are switched off unless called to speak and that their microphone is switched off when they are not speaking.

The Deputy Lord Mayor advised Members that If they wished to speak, to indicate in the chat function and wait to be invited to speak and to state their name at the start of every contribution.

DECLARATIONS OF INTEREST

19391 The Deputy Lord Mayor reminded Members that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

Any declarations would be recorded in the minutes of the meeting.

Councillor Majid Mahmood indicated that he intended to submit a petition relating to Handsworth Cemetery and declared a non-pecuniary interest as his mother is the grave owner of his late father's grave and his sister in law was the owner of his late brother's grave at the Cemetery. As in future he may beneficial owner of either or both graves and he declared a pecuniary interest as well.

Councillor Zaheer Khan declared an interest as he owned a grave at Handsworth Cemetery.

At this point in the meeting the Deputy Lord Mayor reminded Members that they were expected to treat each other with respect and abide by the Code of Conduct. She noted that the Lord Mayor or his deputy may, as they deem fit, direct a Councillor if they were breaching the rules. Therefore if there was anyone misbehaving the mute button will be used and the Councillor will not be able to unmute unless permission was given. The Deputy Lord Mayor indicated that if there was more disruption the Lord Mayor or Deputy Lord Mayor may direct the Councillor to withdraw from the meeting

MINUTES

- 19392 The Deputy Lord Mayor indicated the minutes of the Extraordinary meeting and the minutes of the Ordinary meeting both held on the 15 September 2020 had been withdrawn for resubmission to the next meeting.
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LORD MAYOR'S ANNOUNCEMENTS

A. Queen's Birthday Honours

- 19393 The Deputy Lord Mayor indicated that it was her pleasure to congratulate those mentioned in the Queen's Birthday Honours list for services to Birmingham or who live in Birmingham.

Those receiving an OBE are:
Professor Dion Gregory Morton
Mrs Herminder Kaur Channa JP

And an MBE
Mr Yadvinder Bolina
Mrs Laura Jane Brodie
Dr Sarbjit Clare
Mrs Gail Hyacinth Claxton-Parmel
Ms Eluned Griffith Jones
Mrs Sheila Try

And a BEM
Mrs Parbir Kaur Jagpal
Mrs Beverley Morris
Mr Stephen Philpott
Mrs Neeraj Kumari Singadia

The Deputy Lord Mayor asked all to join her in congratulating them all on these marvellous achievements.

B. Remembrance Day

- 19394 The Deputy Lord Mayor indicated that following the Prime Minister's announcement on Saturday and the increased restrictions being implemented from Thursday, she wished to mention Remembrance Sunday, 8 November.

The Deputy Lord Mayor explained that whilst there could not be a public event in the city centre, people looking to remember the fallen would still be able to participate from home by watching a live-streamed Service of Remembrance from Birmingham St Philip's Cathedral on Sunday, 8 November at 10.50am. The Service can be accessed on the day at www.birminghamcathedral.com/remembrance. Regrettably, the Cathedral Service must be conducted without a congregation, however a wreath will be laid by clergy on behalf of the people and the City of Birmingham.

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The Deputy Lord Mayor continued that as there would be no military parade this year, people are being urged to carry out their own acts of remembrance at home or school - such as playing the Last Post, reading a poem, paying tribute to relatives who served - and to share online using #BhamRemembers.

The Deputy Lord Mayor noted that individuals and organisations that wished to have a wreath laid at the Hall of Memory on Sunday 8 November could arrange for their wreaths to be delivered to the Council House, gatehouse entrance, Chamberlain Square before Friday and they would be laid on their behalf on the day.

The Deputy Lord Mayor encouraged all to observe the national 2 minute silence at 1100 hours on both Remembrance Sunday, 8 November; and Armistice Day, Wednesday 11 November.

Lest we forget. We will remember them.

PETITIONS

Petition Relating to City Council Functions Presented prior to the Meeting

The following petition was presented:-

(See document No. 1)

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

19395 **RESOLVED:-**

That the petition be received and referred to the relevant Chief Officer to examine and report as appropriate.

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 -

19396 **RESOLVED:-**

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

Petitions Update

The following Petitions Update had been made available electronically:-

(See document No. 3)

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

19397 **RESOLVED:-**

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

EXEMPTION FROM STANDING ORDERS

19398 **RESOLVED:-**

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

- Increase the time for item No. 7 (Question Time) to 80 minutes and allocate the time as follows:-
 - A. Questions from Members of the Public to any Cabinet Member or Ward Forum Chair (10 minutes)
 - B. Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair (Up to 10 minutes)
 - C. Questions from Councillors other than Cabinet Members to a Cabinet Member (Up to 30 minutes)
 - D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (Up to 30 minutes)
 - Allocate 40 minutes to agenda item 8 (Scrutiny Inquiry: Responding to Our Customers)
 - Allocate 20 minutes to agenda item 9 (Street Trading Policy 2020)
 - Allocate 20 minutes to agenda item 10 (Amendments to the Constitution)
 - No Motions be submitted by individual Councillors at the meeting
-

QUESTION TIME

19399 The Council proceeded to consider Oral Questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

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

SCRUTINY INQUIRY: RESPONDING TO OUR CUSTOMERS

The following report of the Co-ordinating Overview and Scrutiny Committee together with an Executive commentary was submitted:-

(See document No 4)

The Deputy Lord Mayor called upon Councillor Carl Rice to present the report. However, in doing so Councillor Rice had technical difficulties.

ADJOURNMENT

In light of the technical difficulties it was moved by the Deputy Lord Mayor, seconded and

17400 **RESOLVED:-**

That the Council be adjourned until 1615 hours on this day.

The Council then adjourned at 1600 hours.

At 1620 hours the Council resumed at the point where the meeting had been adjourned.

As Councillor Carl Rice was continuing to experience difficulties it was agreed that the Vice Chair of the Co-ordinating Overview and Scrutiny Committee Councillor Kath Scott present the report using the speech prepared by Councillor Rice.

Councillor Ewan Mackey seconded the report.

A debate ensued

Councillor Ewan Mackey replied to the debate.

The recommendation having been moved and seconded was agreed.

It was therefore-

19400 **RESOLVED:-**

That the recommendations R01 to R11 be approved, and that the Executive be requested to pursue their implementation.

STREET TRADING POLICY 2020

The following report of the Acting Director of Neighbourhoods was submitted:-

(See document No 5)

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

A debate ensued.

The Leader Councillor Ian Ward replied to the debate.

The Motion having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the Motion (57)

Muhammad Afzal	Fred Grindrod	Karen McCarthy
Akhlaq Ahmed	Paulette Hamilton	Saddak Miah
Mohammed Aikhlaq	Roger Harmer	Brett O'Reilly
Alex Aitken	Kath Hartley	John O'Shea
Tahir Ali	Jon Hunt	Robert Pocock
Gurdial Singh Atwal	Shabrana Hussain	Hendrina Quinnen
Baber Baz	Mohammed Idrees	Carl Rice
Kate Booth	Zafar Iqbal	Lou Robson
Sir Albert Bore	Ziaul Islam	Kath Scott
Marje Bridle	Kerry Jenkins	Lucy Seymour-Smith
Mick Brown	Brigid Jones	Shafique Shah
Tristan Chatfield	Mariam Khan	Mike Sharpe
Liz Clements	Zaheer Khan	Martin Straker Welds
John Cotton	Narinder Kaur Kooner	Sharon Thompson
Phil Davis	Chaman Lal	Paul Tilsley
Diane Donaldson	Mike Leddy	Lisa Trickett
Barbara Dring	Mary Locke	Ian Ward
Jayne Francis	Majid Mahmood	Mike Ward
Peter Griffiths	Zhor Malik	Waseem Zaffar

Against the motion (18)

Deirdre Alden	Eddie Freeman	Ewan Mackey
Robert Alden	Adam Higgs	Gareth Moore
David Barrie	Charlotte Hodivala	Simon Morrall
Debbie Clancy	Timothy Huxtable	David Pears
Maureen Cornish	Meirion Jenkins	Ron Storer
Peter Fowler	Bruce Lines	Ken Wood

Abstentions (2)

Julie Johnson	Julien Pritchard
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It was therefore-

19401 **RESOLVED:-**

That City Council approves the final version of the Street Trading Policy 2020 and makes the resolution:

RESOLUTION: That all streets within the boundary of Birmingham City Council, excluding those to be designated as prohibited streets and the 51 parks and open spaces (which have no designation), be designated as consent streets for the purposes of street trading in accordance with the powers granted to the Council by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, such designation to come into force on Sunday 6 December 2020. Street trading in those streets will be prohibited without the Council's consent from Sunday 6 December 2020. On the same date, the prohibited streets will also be designated as such.

EXTENSION TO THE TIME OF THE MEETING

The Deputy Lord Mayor noted that the finishing time for the meeting had been reached.

The Leader Councillor Ian Ward proposed that the meeting be extended by 10 minutes which was seconded by Councillor Robert Alden.

Having been moved and seconded the Motion was but to the meeting and it was-

19402 **RESOLVED:-**

That the meeting be extended by 10 minutes.

ADMENDEMETS TO THE CONSTITUTION

The following report of the Interim City Solicitor was submitted:-

(See document No 6)

The Leader Councillor Ian Ward moved the motion and in doing so indicated that he wished to make an amendment by removing the following words from B11.4 Membership:-

‘vi. A member should not be appointed to serve on both the Resources O&S Committee and the Audit Committee.’

The Motion as amended was seconded.

A debate ensued.

The Leader Councillor Ian Ward replied to the debate.

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The Motion as amended having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

The Deputy Lord Mayor requested that any member who could not vote via the link circulated and did not agree with the motion or wished to abstain, should indicate verbally. No members indicated they wished to do so.

For the Motion as amended (70)

Akhlaq Ahmed	Paulette Hamilton	Saddak Miah
Mohammed Aikhlaq	Roger Harmer	Gareth Moore
Alex Aitken	Kath Hartley	Brett O'Reilly
Deirdre Alden	Adam Higgs	John O'Shea
Robert Alden	Charlotte Hodivala	David Pears
Tahir Ali	Jon Hunt	Robert Pocock
Gurdial Singh Atwal	Timothy Huxtable	Julien Pritchard
David Barrie	Mohammed Idrees	Hendrina Quinnen
Baber Baz	Zafar Iqbal	Carl Rice
Kate Booth	Kerry Jenkins	Lou Robson
Sir Albert Bore	Meirion Jenkins	Kath Scott
Marje Bridle	Julie Johnson	Lucy Seymour-Smith
Mick Brown	Brigid Jones	Shafique Shah
Tristan Chatfield	Mariam Khan	Mike Sharpe
Debbie Clancy	Zaheer Khan	Sybil Spence
Liz Clements	Narinder Kaur Kooner	Ron Storer
Maureen Cornish	Chaman Lal	Martin Straker Welds
John Cotton	Mike Leddy	Sharon Thompson
Phil Davis	Mary Locke	Lisa Trickett
Diane Donaldson	Ewan Mackey	Ian Ward
Jayne Francis	Majid Mahmood	Mike Ward
Eddie Freeman	Zhor Malik	Ken Wood
Peter Fowler	Karen McCarthy	Waseem Zaffar
Fred Grindrod		

Against the Motion as amended (0) and Abstentions (0)

It was therefore-

19403 **RESOLVED:-**

That approval be given to the amendments to the City Council Constitution as attached in Appendix 1 and referred to in the forgoing preamble and that the City Solicitor be authorised to implement the changes with effect from 3rd November 2020.

PROVISIONAL DATE OF THE NEXT MEETING

19404 The Deputy Lord Mayor asked Members to note that the provisional date of the next meeting of City Council is 1 December 2020.

The meeting ended at 1725 hours.

APPENDIX

Questions and replies in accordance with Council Rules of Procedure B4.4 F of the Constitution:-

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

A1 BID Levy

Question:

Since April 2020, for each Business Improvement District, what has been the total shortfall in income from the BID levy and what is this projected to be by year end?

Answer:

Bid Areas	Levi as April 2020	Amount collected as at Oct 2020	Short fall as Oct 2020	Short fall as %	Projected Outturn for end of the year	Estimated Short Fall at the end of year
Acocks Green	99,793.01	(44,995.25)	54,797.76	0.55	89,814	9,979
Colmore	1,276,981.20	(647,330.54)	629,650.66	0.49	957,736	319,245
Erdington	102,338.65	(48,757.88)	53,580.77	0.52	76,754	25,585
Harborne *	147,227.83	(54,505.38)	92,722.45	0.63	73,614	73,614
Jewellery Qtr	447,851.69	(219,258.36)	228,593.33	0.51	268,711	179,141
Kings Heath *	140,004.42	(75,024.05)	64,980.37	0.46	84,003	56,002
Northfield	114,101.60	(70,262.66)	43,838.94	0.38	79,871	34,230
Retail	506,608.10	(226,640.87)	279,967.23	0.55	379,956	126,652
Sutton	272,134.80	(143,256.81)	128,877.99	0.47	163,281	108,854
Soho Road	238,808.45	(105,882.97)	132,925.48	0.56	179,106	59,702
Southside	333,426.30	(95,731.60)	237,694.70	0.71	133,371	200,056
Westside	194,803.28	(160,299.35)	34,503.93	0.18	185,063.12	9,740
Total	3,874,079.33	(1,891,945.72)	1,982,133.61	0.51	2,671,279.23	1,202,800.10
* The projection has been estimated						

Under normal business condition collection rate would have been above 70% by now and we would have been projecting collection rate of approximately 98%.

Year to date, £1.9m has been collected out of £3.9m of total bid amount.

The projection for this year is very difficult due to Covid-19, which has put a lot of pressure on businesses. This has been illustrated by the very low collection rate so far, 51% as at October and therefore the Bid areas are projecting a low collection rate of 69% this year. Bid projection for the year end is £2.7m and an estimated shortfall of £1.2m as the table above.

This may be impacted by the Government decision to enact a further lockdown on Thursday 5th November 2020.

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

A2 CAZ Grant Application

Question:

How many people have contacted each Cabinet Member for support submitting a CAZ grant application?

Answer:

The only Cabinet Member to be contacted for support is Councillor Waseem Zaffar. This is unsurprising given his Cabinet position and portfolio.

These contacts over social media, telephone and email took place over a long period of time and the exact number is not known.

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

A3 Support - CAZ Grant Application

Question:

How many people did each Cabinet Member support with their CAZ application directly?

Answer:

I refer to my answer at Question A2.

Councillor Waseem Zaffar informs me that he has not supported any application directly.

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

A4 Referral - CAZ Grant Application

Question:

How many people did each Cabinet Member refer to officer for support?

Answer:

I refer you to the answers provided at A2 and A3.

Councillor Waseem Zaffar has made referrals to officers in respect to questions raised on CAZ support.

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

A5 Intervention - CAZ Grant Application

Question:

Has any Cabinet Member intervened with officers on individual CAZ grant applications?

Answer:

No

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

A6 Midlands Community Solutions

Question:

Had Midlands Community Solutions CIC (or Midlands Community Solutions Ltd) ever received any money from the Council, if so please specify how much and what for?

Answer:

No payments have been made to a company called Midlands Community Solutions CIC or Midlands Community Solutions Ltd. This company is not set up as a supplier to Birmingham City Council.

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

A7 Tree Removal

Question:

How many trees have been removed by any Council department, or any contractor on behalf of the Council in each year since May 2012?

Answer:

A total of 38,898 trees have been removed since May 2012

Year	Trees removed
2012	3277
2013	5116
2014	6067
2015	4949
2016	3993
2017	3735
2018	4469
2019	4876
2020	2149

There are also 267 trees which have been removed which do not have a year recorded against for removal.

Over this same period something in the region of 90,000 trees have been planted.

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

A8 Trees Planted

Question:

How many trees have been planted by or on behalf of the Council in each year since May 2012?

Answer:

10,000 per year. This includes whips (very small trees).

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

A9 Short Heath Playing Fields

Question:

Will the Leader have the Council cut the grass on Short Heath Playing Fields so that residents are able to use the whole fields in the coming months for outdoor activities? This would be particularly beneficial for local residents who do not have their own outdoor space. It would provide both mental and physical health and wellbeing benefits during the ongoing pandemic.

Answer:

Short Heath Playing Fields are an unattached school playing field and not public open space.

Additional public open space is available to local residents adjacent in Bleak Hill Park, Short Heath Park, Witton Lakes and Perry Common – all within 600m or 10 minutes walk from Short Heath Playing Fields.

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

A10 Playing Fields

Question:

Will the leader of the Council agree to scrap building houses on the Burford Road and Short Heath Road Playing Fields so that these green spaces can be retained for the local community?

Answer:

The land on Short Heath Road is an unattached school playing field which fell out of use approximately ten years ago and has not been used as a school playing field since then. The land remained within Education portfolio and has never been designated as public open space.

The development of Short Heath Road playing fields by BMHT will provide much needed high quality, well designed affordable family homes with private amenity space. As part of this development, BMHT will also include design proposals for improvements to the existing formal play area located on the adjacent park land near to Streetly Road as well as improvements to the existing football pitches located on the open land adjacent, some few hundred metres away from this site.

The Burford Road site is similar to Short Heath in that the site was an unattached school playing field which fell out of use over the past 10 years and has not been used for education purposes since then. The land remained within Education portfolio and has never been designated as public open space. The Council is awaiting the final outcome of the Section 77 process and will progress the appropriation of the site subject to the outcome.

The redevelopment of Burford Road and Short Heath will provide in the region of 150 new family homes for residents in Birmingham, with at least 50% retained by the Council for affordable/social rent.

Failure to meet the city's housing need will result in more overcrowding and more homelessness.

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

A11 Breakdown of Funding

Question:

Please can you provide a break down of all funding from the Government awarded to the Council since the 1st March 2020?

Answer:

The Council has received **£430.3m** of funding from Government since 1 March 2020. This consists of:

- **£412.6m** in relation to response to the Covid pandemic. It should be noted that of this amount, £250.5m relate to grants for which the Council acts as the administering body and therefore passports to businesses and individuals. The details are shown in Table 1 below.

Table 1: COVID Grant Funding Announced

Grant	BCC Allocation £m
Tranches 1 - 4	128.519
Income compensation scheme	TBA
Total Unringfenced funding	128.519
Infection Control - Tranches 1 & 2	18.454
Reopening High Streets Safely Fund	1.017
Test and Trace Service	8.439
Contain Outbreak Management Fund	2.284
Emergency Assistance Grant for Food & essential Supplies	1.923
Next Steps Accommodation Programme	0.595
Emergency Accommodation Interventions	TBA
Compliance & Enforcement Grant	0.890
Total Ringfenced funding	33.602
Business Rates Grant - including discretionary grants	231.576
Support for BIDs	0.212
Council Tax Hardship Funding	17.383
Test & Trace Support Payments	1.317
Total Other funding	250.488
Grand Total	412.609

- **£17.7m** of Directorate specific grants to fund new burdens, specific services or projects. The details are shown in Table 2 below.

Table 2: Directorate Grants

Directorate	Name of grant	£m
Education & Skills	COVID - School Fund	0.320
Education & Skills	ESOL for integration fund	0.196
Education & Skills	Wellbeing for Education	0.147
Education & Skills	COVID - Job retention	0.301
Education & Skills	COVID - Catch up premium	1.781
PIP	City Vision	0.120
Neighbourhoods	Illegal Money Lending - increase in grant	0.189
Adult Social Care	Asylum Migration & Integration Fund	1.324
Neighbourhoods	Supported Housing Pilot	1.048
	Supplier Skills Programme Oct 20 - Jun 23 (3 years)	12.000
Digital & Customer Services	New Burdens - delivery of the Covid-19 business support grant schemes	0.300
Total		17.726

WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR MIKE WARD

B EU Citizens

Question:

According to a report, tabled to cabinet last month (October), there are 20,000 EU citizens in Birmingham who have yet to apply for settled status in spite of being eligible for it. What steps are being taken to improve support and awareness among these citizens of the need to apply for settled status?

Answer:

Birmingham is proud to be the chosen home of over 90,000 people from across the European Union - students, workers and families who keep our city running and help to make it the vibrant, diverse and welcoming city it is. Brexit has not changed this. Despite the referendum vote to leave the EU, we are clear that we want our EU citizens to stay and feel welcome in our city.

We know that there are still a significant proportion of EU citizens in Birmingham who have not yet applied for settled status to remain in the United Kingdom. Over the past few years we have carried out a range of engagement activities to get the message out about the need to apply for settled status, as well as offer additional support to those who may need help with their application. This includes:

- Dedicated EU Settlement Scheme (EUSS) information and guidance page on our website, including information about local organisations that are able to provide further support
https://www.birmingham.gov.uk/info/20057/about_birmingham/2011/city_of_sanctuary/4
- A BCC EUSS Social Media Campaign, with videos of EU citizens working for BCC sharing their own experiences of the EUSS (first video available below)
<https://twitter.com/bhamcitycouncil/status/1232660323376738306?s=21>
- The establishment of an EUSS Working Group, working together with voluntary sector organisations and community groups across Birmingham. This group meets regularly to discuss progress and challenges in the scheme, and build a collaborative approach to improve the support and advice available to EU citizens in Birmingham.
- An open letter to Birmingham citizen, on behalf of the Deputy Leader, asking everyone to get the word out about the EUSS

[https://www.birmingham.gov.uk/downloads/file/15406/euss - letter to all residents](https://www.birmingham.gov.uk/downloads/file/15406/euss_-_letter_to_all_residents)

Despite this, we know that there is always more we can do. Through our Brexit Readiness Programme, we have successfully secured additional funding to run additional awareness and engagement campaigns around the EUSS. The details of these are given below.

- 1) We applied to the Home Office for grant funding to provide support and guidance to the EU citizens in Birmingham who haven't applied to the EU Settlement Scheme yet. We have got funding approval to finance the following activities between November 2020 and March 2021 targeting the EU citizens in vulnerable groups:
 - Basic advice, engagement and signposting: OISC L1 advice will be provided by partner organisations. This advice and guidance will be outreach based as much as possible, with “hosting” arrangements coordinated by the BCC EUSS Project Coordinator, who will access the BCC ASC Neighbourhood Networks Community Asset Register of over 1,000 trusted community organisations.
 - Expert immigration advice for practical support with EUSS applications: This advice will be follow-on for complex casework identified as part of the project activities providing basic advice and information. There will also be access to this advice through referrals into other projects (same partners; to avoid double counting).
 - Community Champions training scheme: 30 volunteers to be trained from specific EU communities in the city. Trained to identify and signpost to agencies.
 - Small-scale community events: Up to three community drop-in style events to be organised and targeted in specific areas or communities in the city.
 - Training for frontline staff: Training to be produced and provided for Job Centres, Social Workers, Housing Officers, and VCS (including commissioned providers of services in: homelessness, modern slavery, children in care) to recognise, inform and signpost on EUSS. Includes regular info sheets / briefings to larger networks such as schools.
 - EUSS Document ID Scanning location: Becoming an ID Scanning location will allow the Council to take an active role in supporting EUSS applications for people with limited digital access. The service will be available at a “home” in the Libraries or Registry Office Services and will also be partially mobile, visiting libraries, places of worship, community centres, etc.
 - Designated monitoring and tracking capacity for children in care and care leavers: A new post for the Children’s Trust to understand and track progress with the registration of children in care. They will support social workers in identifying eligible children and in ensuring they have access to information, advice and training on EUSS through the project partners.
- 2) We applied to the West Midlands Combined Authority Brexit Pooled Fund to initiate a project to increase the collaboration and communication for the EU Settlement Scheme across West Midlands to reach and encourage more EU citizens to apply to the EU Settlement Scheme. The funding got approved for the project that aims to:
 - Develop a WM approach to guide, support and encourage the EU citizens to apply for the EU Settlement Scheme (EUSS) and get their status,
 - Improve the collaboration and coordination of the EUSS initiatives in WM led by the Home Office, local authorities, voluntary sector organisations and community groups,

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- Develop and implement a West Midlands specific communication campaign focusing on:
 - Warm, clear and simple messaging for the targeted audience (especially the vulnerable groups),
 - Signpost to all available advice & support including the voluntary sector organisations funded by the Home Office
 - Communicate the important notices, modifications, adjustments and new deadlines,
 - Using different communication channels and materials, such as:
 - Banners on school railings,
 - Posters for bus stops, GP surgeries, police stations, housing associations, etc.
 - Leaflets for social workers, housing officers, etc. who are in direct contact with EU citizens and their family members, especially the vulnerable group

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

C1 SENAR Agency Staff

Question:

Since April 2018, how much per month has been spent on Agency staff within the SENAR service?

Answer:

No agency resources between Apr 18 – Aug 18

Sep-18	£1,246
Oct-18	£7,413
Nov-18	£11,250
Dec-18	£8,129
Jan-19	£13,993
Feb-19	£18,583
Mar-19	£13,368
Apr-19	£7,155
May-19	£19,587
Jun-19	£15,203
Jul-19	£23,170
Aug-19	£16,575
Sep-19	£20,159
Oct-19	£19,061
Nov-19	£16,741
Dec-19	£16,616
Jan-20	£16,409
Feb-20	£13,889
Mar-20	£24,745
Apr-20	£60,774

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May-20	£54,775
Jun-20	£110,404
Jul-20	£71,435
Aug-20	£86,170
Sep-20	£94,210
Oct-20	£83,750

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR PETER FOWLER**

C2 External Support for EHCP Completion

Question:

Since April 2018 how much per month has been spent on external support for EHCP completion?

Answer:

No agency staff are employed solely to support EHCP completion.

The agency spend in the response to C1 includes staff who undertake work in relation to EHCP completion in addition to other work.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR DAVID PEARS**

C3 Positive DBS Checks

Question:

For each month since January, please provide a breakdown of positive DBS checks within the Home to School Transport service, including the total number of positive DBS checks, the total number awaiting further information\vidence, the total number waiting a panel decision, the total number cleared to work by the panel and the total number rejected to work by the panel?

Answer:

Positive DBS 'checks' are not undertaken within the Home to School Transport service, they are undertaken by a formal HR Safer Recruiting Panel led by the BCC DBS Registered Officer. The Positive DBS outcomes which have been submitted to BCC HR Safer Recruiting Panel by Home to School Transport providers, since January and up until 28/10/2020, are as follows:

Total submitted = 47 but 11 withdrew before the panel hearing therefore **36** considered by panel

Number awaiting further information/evidence = 6

Number awaiting a panel decision = 6 (these are the 6 above, awaiting further information)

Total cleared by panel = 29

Total rejected by panel = 1

Monthly breakdown of panel decisions (30 in total):

Month	Cleared Rejected	
January	0	0
February	0	0
March	1	0
April	2	0
May	5	0
June	1	0
July	2	0
August	8	0
September	6	0
October	4	1
Totals	29	1

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

C4 Consultants – Home to School Transport

Question:

Since September 2019, how much has been spent on consultants within the Home to School Transport service?

Answer:

Sep-19	£7,800
Oct-19	£0
Nov-19	£5,040
Dec-19	£5,040
Jan-20	£5,040
Feb-20	£13,230
Mar-20	£17,359
Apr-20	£15,210
May-20	£29,585
Jun-20	£38,345
Jul-20	£21,180
Aug-20	£31,480
Sep-20	£56,645
Oct 20 *partial month	£40,398

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR BRUCE LINES**

C5 Breakdown of Work

Question:

Since September 2019, for each consultant engaged to work on the Home to School Transport service please provide a breakdown of who carried out the work, the total cost, what they were asked to do and what the outcome of the work was?

Answer:

For context, the Home to School Transport Service supports approximately **c7,500 children** through a range of services including school buses, taxis. Bus passes and personal travel budgets at **an annual cost of c£24.6m**. It currently provides **around 800 routes a day** and manages daily changes to these routes.

The service has needed to improve for some time and the impacts of Covid have increased the demands on the service, introduced new requirements and the number of daily changes needed to routes and, at the same time, placed pressure on the capacity and capability of staff to deliver operational requirements and deliver the change needed. Additional resources have been needed to support this, which are set out below. Since September 2019, as indicated in the first table below, **this equates to 1.1% of overall annual spend.**

These resources do not include EY resources to review the service and support with Immediate Fixes.

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

C6 SEND

Question:

Please provide details of the recently established SEND Decision Making Groups. Specifically, please include:

- **The criteria, including (but not limited to) the legislation and statutory framework being applied to make decisions.**
- **Details of membership, including their legal qualifications and training**
- **Terms of Reference**
- **Redacted (as appropriate) minutes of meetings since 1st September 2020.**

Answer:

The Decision-Making Groups were set up in June 2020 in response to bringing back decision making from the localities and into the centre to ensure consistency and equity of decision making and resource allocation citywide.

The criteria for the Decision-Making Groups are referenced in the attached Draft Terms of Reference and based on the requirements contained in the Children and Families Act 2014, associated Regulations, and the Statutory Guidance – SEND Code of Practice: 0 – 25 years. This is designed to ensure that decisions are lawful, reasonable, fair, proportionate and consistent.

The Terms of Reference for these groups were drafted in May 2020, piloted between June and October and are currently being reviewed as a result of the learning from the pilot. The new draft Terms of Reference, which is a work in progress is attached. It is anticipated these will be finalised in November 2020 once Legal Services have advised in relation to their content.

The membership of the Decision-Making Groups is also currently being reviewed in light of findings from the pilot and will be detailed in the finalised Terms of Reference. Membership of these groups will include, in accordance with the SEND Code of Practice, those who have the appropriate experience and specialist expertise and whose current roles and responsibilities involve a working knowledge and understanding of the SEND Code of practice.

Where a need is identified, through an audit of the knowledge, understanding and skills, of all members of DMGs, appropriate training will be provided.

The record of each Decision-Making Group meeting held since 1st September 2020 is contained in a spreadsheet format. The attached template shows the categories of information recorded during each meeting in relation to each child and young person.

Appendix to C6

Year Group	SAC	Referral Type	SEN Type	Category of Need	School	Link Professional	Parent Link Notes	SENCO Coordinator Notes	Date application received	Date Decision Due	Additional Information	Do we have enough info to make decision?	If not what info do we need?	Who is getting this information?	Date of Decision	Decision Yes or No	If no what is the rationale?	Response Information to add to the IFA letter rationale	Additional Information for Link Professionals to inform discussions with families/settings
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**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR EDDIE FREEMAN**

C7 Parent Link Service

Question:

Please provide a full breakdown of the Parent Link service expenditure since its formation.

Answer:

Agency staffing (5 members of staff): £54,375 total.

Two Principal Officers G5 (9 months including on-costs): £43,256 each

Mobile phones x 7: £1,477 for 7 phones (+ £1,071 running costs)

Laptops x 7: £4,508 total

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR DAVID BARRIE**

C8 JEQ Process

Question:

Please provide the dates the posts in the Parent Link service were approved through the JEQ process and the Grades they have been approved at?

Answer:

Parent Link has been commissioned in direct response to feedback from Parents and Carers that they wanted us to rapidly improve the communication and liaison with them, which is especially important given the impacts of Covid and the uncertainty and anxiety this has created, alongside increased demands on the operational services.

It's an interim measure that we put in place at pace and is not currently part of the permanent structure. The forthcoming redesign of SENAR will address any ongoing requirements for the Parent Link Service and relevant roles will be evaluated in line with BCC JEQ policy.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR TIMOTHY HUXTABLE**

C9 Parent Link Posts

Question:

Please provide the date the Parent Link posts were approved as employee structure additions by the Council?

Answer:

Parent Link has been commissioned in direct response to feedback from Parents and Carers that they wanted us to rapidly improve the communication and liaison with them, which is especially important given the impacts of Covid and the uncertainty and anxiety this has created, alongside increased demands on the operational services.

It's an interim measure that we put in place at pace and is not currently part of the permanent structure, so it hasn't been included as such. The forthcoming redesign of SENAR will address any ongoing requirements for the Parent Link Service and relevant roles will be evaluated in line with BCC JEQ policy.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR MEIRION JENKINS**

C10 Breakdown of Data

Question:

For the period January 2020 - present please provide a breakdown of the following data:

- **The number of decisions that SHOULD have been made by SENAR that would have been appealable to the SENDIST (this includes requests for assessment, issuing of plans, contents of final plans and placements, as well as decisions to amend following annual reviews and transfer reviews)**
- **The number of decisions that were ACTUALLY made (same criteria as above)**
- **Of those, the number of decisions that were outstanding from the period prior to January 2020**
- **The number of appeals registered by SENDIST**
- **The number of appeals conceded by the local authority prior to hearings**
- **The number that went to hearing where the appeal was dismissed (i.e. the local authority's decision was deemed to be correct)**
- **The number of resulting tribunal orders which have not yet been complied with by the Council**

Answer:

There are 7 detailed information requests set out in this question. Collating the data from a range of information sources and analysing this will take some time and I am afraid that officers have been unable to complete this within the timescales for written questions to Full Council.

I have asked that officers assess the number of hours it will take to collate and analyse the data.

I have asked officers to collate enquiries into Frequently Asked Questions, which will give Members access to information that has been requested and provided. This will improve the information available to Members. Officers will also assess the time taken to answer enquiries. The services does this for FOIs and it is good practice to do this for all enquiries, so decisions can be taken about the best use of resources and how we can all support the council's limited resources being used on those we are here to serve - children and their parents and carers.

- **The number of decisions that SHOULD have been made by SENAR that would have been appealable to the SENDIST (this includes requests for assessment, issuing of plans, contents of final plans and placements, as well as decisions to amend following annual reviews and transfer reviews) – This information is being collated and will be shared with elected members.**
- **The number of decisions that were ACTUALLY made (same criteria as above) – This information is being collated and will be shared with elected members.**
- **Of those, the number of decisions that were outstanding from the period prior to January 2020. - This information is being collated and will be shared with elected members.**

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- The number of appeals registered by SENDIST from January to present is 232
- The number of appeals conceded by the local authority prior to hearings was 60
- The number that went to hearing where the appeal was dismissed (i.e. the local authority's decision was deemed to be correct was 4. 65 where a consent order was made as agreement was reached with the parent; 12 where the parent withdrew the appeal.
- The number of resulting tribunal orders which have not yet been complied with by the Council. This information is being collated and will be shared with elected members.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR ADAM HIGGS**

C11 Judicial Review Protocol

Question:

For each calendar year since 2015 please specify how many letters have been received by the Council under pre-action Judicial Review protocol on behalf of parents regarding their children's special educational needs and provision.

Answer:

The following table shows the number of Judicial Review Pre-Action Protocol letters regarding special educational needs and provision, received by, or referred to Legal Services, since 2015.

Year	Number of SEND Judicial Review Pre-action Protocol Letters
2015	0
2016	2
2017	3
2018	1
2019	5
2020	32

A report into the significant increase in 2020 is currently being compiled by Legal Services.

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

C12 Educated at Home

Question:

Please provide a breakdown by year group and area of need of the number of children with SEND currently being educated at home, funded by the local authority For each category please give the number that have been in this situation for:

- **1 month or less**
- **1-3 months**
- **3-6 months**
- **6-12 months**
- **12-24 months**
- **24 months plus**

Answer:

The list of children without a school place is subject to change as:

- Placements are secured for children with an immediate start date
- Children turn 5 and become statutory school age (updated termly)
- EHC plans are finalised and name specialist provision or parents decline mainstream placement because their preference is specialist provision
- Families move into the local area with an EHC plan or make request
- Looked After Children move into the area
- Placement breakdown (PEX have taken place this term) typically for children with ASC or SEMH needs
- Parents have elected to home educate but are requesting support from the LA

Year group	Number of children educated at home
1	10
2	1
3	3
4	1

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5	1
6	4
7	10
8	6
9	4
10	5
11	10

SEND type	Number of children educated at home
Autism Spectrum Condition	28
Cognition and Learning	9
Social Emotional Mental Health	10
Sensory/Physical Disability	3
Severe Learning Difficulties / Speech, Language and Communication	5

Home Bridging Team are working with these families providing safe and well checks, signposting learning materials for children and where appropriate and wanted by families.

Of the 10 year 7s without a school place 2 have refused the mainstream placement offered and are being supported as parental preference if for out of LA placement.

Children are also benefiting from interim home tutoring packages from agencies, some families have declined this support as they do not want a tutor in the home and don't feel that online working will suit their child.

Link professionals are working with children and families who are out of school, a number are known to Forward thinking Birmingham because of their heightened anxieties. Home Bridging Team and other link professionals attend CIN and CP meetings and all this information is shared with DMG so that appropriate provision and support can be put in place.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR EWAN MACKEY**

C13 Legal Framework

Question:

What legal framework is being applied to home tuition of children with EHCPs

Answer:

The Council has a legal duty to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them under section 19 of the Education Act 1996. That duty applies to all children of compulsory school age, including those with an EHCP, and may include home tuition where the Council considers that is 'suitable education'.

The Council also has a legal duty under section 42 of the Children and Families Act 2014 to secure the educational provision set out in a child's EHCP. In some cases home tuition may be the educational provision that is described in the plan, and the Council will have regard to paragraphs 10.30 to 10.38 of the Special Educational Needs and Disability Code of Practice: 0 to 25 years which is statutory guidance.

In cases where home tuition is provided by the Council to children with an EHCP in order to fulfil the section 19 duty to provide alternative provision (for example because the child is too unwell to attend school for a period of time) then the Council has regard to paragraphs 10.39 to 10.46 of the Code of Practice. The Council will normally also consider whether a Review of the EHCP or a re-assessment is necessary in these circumstances.

The Home Bridging Team works with children and families to support with teaching resources and signposting them to materials which are suitable for young people. The majority of families access virtual learning from tuition agencies or other online materials to support home tuition.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR ADRIAN DELANEY**

C14 Attendance Rates

Question:

Please list the attendance rates at special schools since 1st September 2020, broken down by academic year group

Answer:

Please find the data below for each full week since the start of term. This data comes from national data that is not reported by year group.

Date	Special school attendance %
07/09/20	46.6
14/09/20	73.6
21/09/20	66.6
28/09/20	64.8
05/10/20	68.4
12/10/20	73.3
19/10/20	75

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR JOHN LINES**

C15 Children with ECHP's

Question:

Please provide a breakdown of the number of children and young people with EHCPs who are currently:

- **Without a school place**
- **In a mainstream school but awaiting a special placement**
- **Have annual reviews recommending change of placement that have not yet been actioned**

For each category please give the number that have been in this situation for:

- **1 month or less**
- **1-3 months**
- **3-6 months**
- **6-12 months**
- **12-24 months**
- **24 months plus**

Answer:

	Number
Without a school place	55
In mainstream awaiting a school place/parental request for change of placement including ARs which recommend change of placement	199

Number of children without a school place will continue to change as –

- Placement are secured for children with an immediate start date
- Children turn 5 and become statutory school age (updated after term)
- EHC plans are finalised
- Families move into the local area with an EHC plan or make request
- Looked After Children move into the area

- Placement breakdown (PEX have taken place this term) typically for children with ASC or SEMH needs

Of the children without a school place a number of families are waiting for a specific setting and are willing to wait until that setting can offer a place and have declined other offers the Local Authority have made, this includes placement at an alternative special school.

Contact is being made with families to build relationships and support them through the process of their child getting an appropriate school place and enabling them to be 'school ready' when this placement is secure.

Of those 199 children attending a mainstream setting, schools have access to additional resources and funding which is enabling them to ensure that the children on their role are making progress until such time that a special school placement is secured or professionals agree that the current setting can meet need. For a number of these children it is parental preference that their child attends specialist provision. Schools and link professionals continue to work with families around the educational provision on offer. At this stage a breakdown of duration that are waiting for a change of placement is unclear as recovery work takes place and systems are updated. This information will be collated and added when new requests are made. The termly meeting with schools and professionals means that information is being shared and this is feeding into the special DMG when placement moves are being considered.

Where children are on reduced timetable or placement is at risk schools are working with link professional to explore what further support can be put in place and to work with families to increase the educational offer in place. This academic year Home Bridging Team have worked with a number of school settings to enable them to create bespoke provision and plan for increasing time the child is able to access education. This is part of the wider offer of support the team want to offer across the localities.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S
WELLBEING FROM COUNCILLOR DEIRDRE ALDEN**

C16 SEN Support Plans

Question:

Please provide a breakdown of the children and young people who are currently benefitting from SEN Support Plans by ward, year group, area of need and budget attached (e.g. up to £2000, £2 - 5000, £5-10,000 etc.)

Answer:

There are currently **60 CYP** benefitting from SEN Support Plans.

By year group:

Yr 0 = 9
Yr 1 = 17
Yr 2 = 10
Yr 3 = 8
Yr 4 = 4
Yr 5 = 6
Yr 6 = 3
Yr 7 = 1
Yr 8 = 2

By need:

Cognition and Learning = 26
Autism Spectrum Condition = 7
Social, emotional and mental health = 4
Profound and Multiple Learning Difficulties = 1
Not specified = 22

By budget attached:

Up to £2k = 26
Between £2k and £5k = 26
Over £5k = 8

It has not been possible to break these figures down by ward as the software used is currently being updated. As soon as ward level data is able to be provided, this will be shared.

**WRITTEN QUESTION TO CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR PAUL TILSLEY**

C18 Holiday Meals

Question:

I understand the council is proposing a voucher scheme to compensate for the government decision not to support children on free school meals over the Christmas holidays. Could the cabinet member set out how this will compare with the provision provided nationally over the summer holidays?

Answer:

The council's cabinet, along with councils up and down the country, has been lobbying the government for many months regarding free school meal provision for school holidays. We know that the effects of the pandemic have hit the most vulnerable hardest.

In anticipation of what promises to be an extremely challenging Christmas for far too many families in Birmingham and across the country, we are urging the government to do the right thing and reverse its decision not to extend the summer holiday provision for the Christmas period.

We have also seen in recent days just how generous Birmingham businesses and community groups have been and we will be working with partners to see what additional financial support can be provided to families eligible for free school meals.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS
AND CULTURE FROM COUNCILLOR MEIRION JENKINS**

D1 Birmingham Library Service

Question:

Can the Cabinet Member provide a detailed list location by location of:

- 1. What Libraries have reopened?**
- 2. What their opening hours are?**
- 3. If part time hours the reason why?**
- 4. Where part time open what date/s will each location return to full time opening hours?**

Answer:

1, 2 and 3:

Library	Opening hours	Reason for p/t hours
Acocks Green	Extended service available Mon/Tues/Wed/Thurs: 10am-12pm, 2pm-4pm	Requirement for staff bubbles has reduced our ability to share staff between sites. Awaiting HR advice on use of agency staff to support increased opening.
Balsall Heath	Extended service available Tues/Thurs/Sat: 10am-12pm, 2pm-4pm	Requirement for staff bubbles has reduced our ability to share staff between sites. Awaiting HR advice on use of agency staff to support increased opening.
Bartley Green	Order and collect available Tues/Fri: 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Birchfield	Extended service available Tues/Thurs/Sat: 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Boldmere	Order and collect available Tues/Thurs 10am-12pm, 2pm-4pm	Staff supporting Mere Green Tier 1 library.
Druids Heath	Tues/Wed/Thurs 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Erdington	Extended service available Mon/Tues/Thurs/Sat 10am-12pm, 2pm-4pm	Requirement for staff bubbles has reduced our ability to share staff between sites. Awaiting HR advice on use of agency staff to support increased opening.
Frankley	Extended service available by appointment on school site Mon/Wed/Fri 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Glebe Farm	Extended service available Wed/Fri/Sat 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Hall Green	Extended service available Mon/Tues/Thurs/Sat 10am-12pm, 2pm-4pm	Hall Green will be open at its pre-COVID hours from 1 December 2020.

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Handsworth	Extended service available Mon/Tues/Thurs/Fri/ 10am-12pm, 2pm-4pm	Hours are currently reduced due to staff sickness.
Harborne	Extended service available Tues/Wed/Fri/Sat 10am-12pm, 2pm-4pm	Requirement for staff bubbles has reduced our ability to share staff between sites. Awaiting HR advice on use of agency staff to support increased opening.
Kings Heath	Extended service available Tues/Fri/Sat 10am-12pm, 2pm-4pm	Requirement for staff bubbles has reduced our ability to share staff between sites. Awaiting HR advice on use of agency staff to support increased opening.
Kings Norton	Extended service available Tues/Wed/Fri/Sat: 10am-12pm, 2pm-4pm	Requirement for staff bubbles has reduced our ability to share staff between sites. Awaiting HR advice on use of agency staff to support increased opening.
Kingstanding	Order and collect available Tues/Fri, alt Saturdays: 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Library of Birmingham	Mon and Tues:11am-7pm Weds to Sat:11am-5pm	Opening hours remain the same as pre-COVID.
Mere Green	Extended service available Mon/Wed/Sat. Order and collect available Tues & Thurs 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Northfield	Extended service available Mon/Tues/Thurs/Sat 10am-12pm, 2pm-4pm	Awaiting HR advice on use of agency staff to support increased opening.
Perry Common	Order and collect available Mon/Thurs/Sat 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Quinton	Extended service available Mon/Tues/Fri (alternate Sat) 10am-12pm, 2pm-4pm	Staffing vacancies. Awaiting HR advice on use of agency staff to support increased opening.
Shard End	Extended service available Mon/Tues/Wed/Thurs/Fri 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
South Yardley	Extended service available Mon/Tues/Thurs//Fri/Sat: 10am- 12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Sparkhill	Wed/Thurs/Sat 10am-12pm, 2pm-4pm	Requirement for staff bubbles has reduced our ability to share staff between sites. Awaiting HR advice on use of agency staff to support increased opening.
Spring Hill	Extended service available Wed/Fri/Sat 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Stirchley	Extended service available Tues/Thurs/Sat 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Sutton Coldfield	Extended service available Mon/Tues/Thurs/Fri/Sat 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
The POD	Order and collect available Tues/Wed 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Tower Hill	Order and collect available Tues/Thurs/Sat 10am-12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.
Walmley	Order and collect available Wed: 10am-12pm, 2pm-4pm	Staff supporting Mere Green Tier 1 library.
Ward End	Extended service available Mon/Tues/Wed/Thurs/Sat: 10am- 12pm, 2pm-4pm	Opening hours remain the same as pre-COVID.

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Weoley Castle	Extended service available Mon/Tues/Thurs/Fri: 10am-12pm, 2pm-4pm	Awaiting HR advice on use of agency to support increased opening
Yardley Wood	Extended service available Mon/Tues/Wed/Thurs/Fri: 10am- 12 noon, 2pm-4pm	Opening hours remain the same as pre-COVID.

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Central government recognise that restoration of services will take place in a phased way, varying according to local needs and circumstances.

We are currently working towards full opening hours at all libraries (subject to local and national COVID restrictions and related government and Public Health guidance).

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR ROBERT ALDEN**

D2 Leisure Centres

Question:

Will the Cabinet Member commit to bidding for funding for each Council Leisure Centre, including the ones the Council has contracted out, like Erdington Leisure Centre, to enable hours, services and jobs to be protected, from the new £100million Leisure Centre funding pot announced by the Government last week?

Answer:

The £100 million funding pot is welcome news and is much needed given the challenges faced by both our internal and contracted out centres as a result of the pandemic. Although we have made enquiries, further detail on the scheme will not be released until a later date. At a time when we recognise more than ever the importance of being active for both physical and mental wellbeing, we will make a submission to maximise the financial support for the city's whole community sport service.

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

E Council Finances

Question:

Could the cabinet member update council on the state of the city's finances, setting out the impact of the pandemic and what steps may be necessary to tackle any shortfalls?

Answer:

The quarter 2 financial position that will be considered by the Cabinet on 10 November will set out that the pandemic has cost the City Council's General Fund £115.8m in additional costs and income losses. After accounting for government unringfenced grants received to date of £84.3m and an estimate of £19.6m which will be recovered through the governments income loss scheme, the result is a net pandemic cost of £11.9m. This is further offset by a net underspend of £1.1m on directorate budgets that is not pandemic related. The net gap which will be reported will be **£10.8m** as detailed in the table below.

Budget Gap 20-21 as at Qtr 2	2020/21 £m
Cost of Covid as at 2 October 2020	115.8
Additional service pressures as reported at Month 6	(1.1)
Transfer to COVID reserve for Wave 2	44.2
Total pressures and risks	158.9
Government Covid Grant received (Tranches 1- 3)	(84.3)
Government Covid Grant announced (Tranche 4)	(44.2)
Latest estimate of funding for Sales, Fees & Charges	(19.6)
Budget gap	10.8

The Cabinet will also be considering the update to the Council's Medium-Term Financial Plan at its meeting on 10 November. Proposals will be set out in that report to balance the budget this year and will identify what further budget measures are available to cope with further risks. In this regard the recently announced extra £44.2m of unringfenced government grant to see the City through the winter will be helpful.

However, in the light of the Government's most recent announcement of New National Restrictions from 5 November we will of course be assessing the potential impact that this may have on the Council's financial position.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR BOB BEAUCHAMP**

F1 Social Care Easements 1

Question:

In the event that social care easement powers are used again during a future wave of the Covid pandemic, how do you intend to contact service users to inform them?

Answer:

We do not anticipate using the Care Act easement powers in the future, but in the event that this is required, we would communicate with service users via letter and by ensuring is available on our website.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR BRUCE LINES**

F2 Social Care Easements 2

Question:

In the event that social care easement powers are used again during a future wave of the Covid pandemic, can you confirm that the council will provide a full explanation to service users and on its website of what it will be doing different during the easements and the practical implications?

Answer:

Yes

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

F3 Social Care Easements 3

Question:

In the event that social care easement powers are used again during a future wave of the Covid pandemic, can you confirm you will adopt the practice of providing the assessors written record in whatever form to the service user and carer?

Answer:

We do not anticipate using the Care Act easement powers in the future. However, if this does becomes necessary, we would set out clearly the rationale for any changes and ensure that these are communicated to service users.

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

F4 Social Care Easements 4

Question:

In the event that social care easement powers are used again during a future wave of the Covid pandemic, can you confirm that the decision to do so will be published immediately with full reasons for the decision and that all documentary evidence, including officer reports, which inform that decision will be made publicly accessible in a timely way?

Answer:

All documents will be made available in line with the Council's governance arrangements and requirements.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR DEIRDRE ALDEN**

F5 Social Care Easements 5

Question:

Please provide a copy of the decision record, purchase order form and procurement paperwork authorising the NDTI report into Day Opportunities?

Answer:

NDTI was commissioned using delegated responsibility by the Director of Adult Social Care. NDTI are recognised as a national leader in engagement and supporting the inclusion of citizens with disabilities.

I will arrange for the delegated responsibility documents to be shared with elected members in this chamber.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR JOHN LINES**

F6 Social Care Easements 6

Question:

During all the work to draft and consult on the Day Opportunities strategy, did any briefing from Officers mention to you that NDTI had been engaged to complete a piece of work?

Answer:

Yes I had been made aware that NDTI were carrying out work in this area.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND
SOCIAL CARE FROM COUNCILLOR DAVID PEARS**

F7 NDTI Report

Question:

When carers (and later Scrutiny) raised with you the question as to the existence of the NDTI report into Day Opportunities, what steps did you take to establish with Officers whether this report existed?

Answer:

When this was raised with myself, I asked officers to advise if a report existed as I had only ever been shared a PowerPoint presentation outlining the outcome of NDTI work.

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

F8 Investigation

Question:

On what date was the outcome of the investigation by Galloway Training Consultancy Ltd in to the complaint about the misleading answers on the NDTI report, first shared with you?

Answer:

I was shared a copy of the redacted report on 13 August 2020.

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

G1 Building Safety Manager

Question:

**Can you provide a copy of the Job Description for the Building Safety Manager role
piloted in Birmingham tower blocks?**

Answer:

It is important to note that this Job Description is a draft to highlight how BCC see the role being implemented, however it will be developed further with the outcomes from MHCLG's working group who are currently developing the competencies, the qualifications required and how the role fits into the requirements from the building safety regulator.

Please see draft Job Description below.



BSM JD ver1
draft.docx

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOOD FROM COUNCILLOR MAUREEN CORNISH**

G2 Waiting Time

Question:

In each year since 2014, what was the average waiting time to register a birth?

Answer:

Unfortunately, the statistics are not recorded in this way. The most relevant key performance target (KPT) set nationally, which the Service works to, relates to birth registrations where the informant waited more than 5 days from when they made contact to book as below.

Year	Number of births registrations where the informant waited more than 5 days
2020	1,114 to March 2020
2019	6209
2018	10489
2017	11620
2016	10622
2015	10911
2014	12349

NB Due to COVID 19 this KPT has little relevance at the present time. Informants are contacted and advised that appointments are available to book online in daily batches based on the oldest births.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOOD FROM COUNCILLOR EDDIE FREEMAN**

G3 Waiting Time 2

Question:

In each year since 2014, how many people had to wait longer than 42 days to register a birth?

Answer:

Year	Number of births registered	Number of births registered over 42 days
2020	12,976	6980
2019	22,203	1063
2018	23,332	2041
2017	23,663	2893
2016	24,630	8967
2015	22,708	2946
2014	23,789	3312

For 2020, the registration of all extremely urgent births was suspended from late March to June. Birmingham resumed general birth registrations on 18 June once the COVID 19 risk assessment was signed off.

Not all parents are able to register within the 42 days.

Some parents do not agree with registering the birth of their child for which a statutory process is followed, but which will take the registration over the 42 days.

**WRITTEN QUESTION TO CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR ROGER HARMER**

G4 Use of Housing Dept Garages

Question:

Could the cabinet member set out the vacancy rate for council garage lets, setting out how many garages are empty, how many applicants are waiting for allocations and what is the potential earnings for the council of improving the letting rate?

Answer:

We are now in the process of inspecting all 714 sites (7426 units). Currently 85% of sites have been inspected.

Our current records indicate we have 6370 potentially available and of these 3483 are let (55%). 1056 Garages are not lettable. We are exploring the potential of using sites for future development. This figure is constantly changing following inspection/ repair/unreported issues being identified. Of those garages not let, we contact those on the waiting list in order to match them to vacant garages. This process is ongoing.

Rental is £9.01pw to BCC tenants and £10.91 (Inc. VAT) to other residents of Birmingham. If all garages were let this would raise approximately an additional £1.6 million.

There is a waiting list of 3791 applications. We are currently reviewing IT systems to support the process.

**WRITTEN QUESTION TO CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR PAUL TILSLEY**

G5 Exempt Accommodation

Question:

Does the council have an indication of how many HMOs are deemed as managed by registered social landlords and therefore exempt from the city's Article 4 direction relating to HMOs?

Answer:

We currently have 6,631 separate addresses that have been made for customers living in Registered providers accommodation claiming supported Exempt Accommodation Housing Benefit. This will include both HMO's and self-contained flats.

All exempt accommodation or RSLs would be exempt from the Article 4 as these uses cannot be defined as HMOs in accordance with the definition of a HMO provided in Schedule 14 of the Housing Act 2004.

**WRITTEN QUESTION TO CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR BABER BAZ**

G6 Flooding at Cemetery

Question:

Following the 4th incident in the last 6 months of flooding at Handsworth Cemetery which has resulted in a number of graves being flooded, it has been reported that £50k was spent following the 3rd incident to prevent any more flooding from occurring. Can you provide me with a breakdown of what this money was spent on?

Answer:

I would like to place on record my regret for any upset that has been caused by these issues.

There has been in excess of £50,000 expenditure at Handsworth Cemetery since the incident in August directly associated with land drainage management. The bulk of the expenditure relates to the installation of an earth bund and soakaway between the main driveway and section 24 of the cemetery.

Turfing of a reserved graves area in section 68 of the cemetery has been undertaken. This work was necessary due to damage to the area caused by cemetery users. This compacted the ground which added to surface water run off.

In addition, all gulleys across the site have been cleared of silt and ensured that the drainage is free running. The final work on the gulleys and pipework is the removal of tree roots from the system. This should have been undertaken on 23 October, but the contractor failed to attend the site.

Given this is a time of extensive leaf fall, an enhanced mechanical clearance service of clearing leaves from channels and gulleys has been introduced. This is occurring a minimum of weekly.

The individual final costs of these works have yet to be received.

An order is being placed for damaged kerbing and tarmac to be reinstated which will ensure water is channelled to the land drainage system and thereby away from any graves.

Visits have been made to the site by the City Council's own land drainage experts and a detailed survey of the site is to be arranged subject to contractor's

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

H Harborne Public Space

Question:

In total, since work first began, how much has been spent on developing the Harborne Public Space Protection that is still to be implemented? Including legal costs and consultation etc

Answer:

No development, legal or consultation costs have been incurred

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR DEBBIE CLANCY**

I1 Grounds Maintenance Machines

Question:

For each month since April 2018, how many grounds maintenance machines have been un-operational, broken down by machine type?

Answer:

The grounds maintenance contracts were brought back 'in-house' in late March 2019. We do not hold the information you require prior to that.

A procurement process was initiated to provide brand new machinery to undertake the grounds maintenance functions. The machines were delivered during the summer of 2019 which did mean the grass cutting programme was delayed.

Since the machinery has been in operation a completion rate of over 95% has been maintained and the service has not suffered with any machinery breakdown that has resulted in a loss of service.

Grass cutting in 2020 was delayed at the start as it was not identified as essential work under government guidelines. Since operations have restarted there has been no machinery breakdown that has affected operations.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR DAVID BARRIE

I2 Grounds Maintenance Activities

Question:

For each month since April 2018, how many schedule grounds maintenance activities have been cancelled or delayed due to the unavailability of either staff or machinery?

Answer:

Answer:

The work programme for Grounds Maintenance allows a period of time for tasks to be completed. This is to take into account climatic conditions. There are very few tasks that are required to be completed daily. I am pleased to report for the daily checks there has been 100% completion on time.

Excluding the initial start up of the contracts transferring to the City in 2019 and the decision to stop all but essential operations in the Covid lockdown, 97.88% of the remaining tasks have been completed within the time frame.

Tasks that are missed are managed by exception and no data is kept regarding whether they have been cancelled or delayed because of non-availability of staff or machinery.

It should however be noted that during the Covid 19 pandemic that performance dropped slightly for the following reasons:

- Some GM staff were diverted to help litter/waste removal on housing sites/high rise communal areas.
- GM staff working shorter days to remove the need to use the facilities in depots.
- Grass cutting was not deemed an “essential” activity at the start of the initial lockdown period.

**WRITTEN QUESTION TO CABINET MEMBER FOR STREET SCENE AND PARKS
FROM COUNCILLOR JON HUNT**

I3 Destination of Recyclables

Question:

Could the cabinet member state how often are general waste crews being ordered to put recycling in the general waste, by depot?

Answer:

The only time a manager will make a decision to sacrifice the recycling collection is due to crew shortage or vehicle breakdown and we would be unable to collect the bins from that particular road.

Sometimes, inspection of the recyclate reveals that it is so contaminated that it would render the entire load in the vehicle unusable and under these circumstances the recyclate would be disposed of as residual waste.

In each of the above case historical records have not been kept.

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

J1 Resurfacing Costs

Question:

What is the total cost of the recent resurfacing work on Harborne Road between the Green Man and Chad Road?

Answer:

The final cost of the works has not been fully reconciled as there are two invoices for traffic management and road markings which have not been received yet. The estimated values for these two items are £92,020 and £9,780 respectively.

The total cost (which includes the estimated values for these two items with all other costs being actual) is therefore an estimated value being £641,960. There is however likely to be very little variance in this total.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR KEN WOOD

J2 Emergency Active Travel Fund

Question:

For each new measure implemented under the ‘Emergency Active Travel Fund’ what was the total cost spent on each?

Answer:

Final invoices to confirm outturn costs are yet to be received from contractors implementing the Emergency Active Travel Fund measures. Officers will be happy to share this information with members as soon as it is available.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MATT BENNETT

J3 Removal of Scheme

Question:

For each measure implemented under the ‘Emergency Active Travel Fund’, what was budgeted for the potential removal of each scheme, given they are ‘temporary’?

Answer:

No budget has been set aside from the Emergency Active Travel Fund (EATF) Tranche 1 programme for the potential removal of schemes, as the expectation is that they would be removed, modified or made permanent under Tranche 2 of the EATF programme. Further detail on Tranche 2 has yet to come forward from the Department for Transport (DfT), having originally been expected in early October 2020

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR EWAN MACKEY

J4 Consultation and Engagement Costs

Question:

For each measure implemented under the ‘Emergency Active Travel Fund’, what was budgeted for consultation and engagement costs?

Answer:

A budget of £165,000 was approved by Cabinet for design, development and fees associated with implementing the Emergency Active Travel Fund Tranche 1 programme. This allocation included provision for activities associated with consultation and engagement.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR CHARLOTTE HODIVALA

J5 CAZ Grant Applications

Question:

How many CAZ grant applications received by the Council were submitted via local Councillors (with number by each individual Councillor)?

Answer:

There have been no applications to any of the support schemes operated by the Clean Air Zone (CAZ) team submitted through a Councillor.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR RON STORER

J6 Clean Air Zone

Question:

Have you ever told anyone that the Clean Air Zone will not go ahead?

Answer:

The Council has never made an announcement that the Clean Air Zone would not go ahead.

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

J7 Clean Air Zone Grants

Question:

How many CAZ grants have been issued by Ward?

Answer:

All grants issued so far have been from the taxi fund. Of the 50 issued, the breakdown by ward is listed below.

Please note that grants issued to drivers in wards outside of the city boundary are due to the respective drivers being licensed by Birmingham City Council.

Ward	Number of Grants Issued
Abbey (Sandwell)	1
Acocks Green	1
Aston	1
Alum Rock	1
Balsall Heath	4
Bordesley & Highgate	2
Bournbrook & Selly Park	3
Bromford & Hodge Hill	1
Glebe Farm & Tile Cross	1
Gravelly Hill	1
Great Bridge (Sandwell)	1
Hall Green North	1
Handsworth Wood	1
Heartlands	1
Nechells	3
North Edgbaston	2
Perry Common	2
Pype Hayes	1
Small Heath	2
Soho & Victoria (Sandwell)	1
Sparkbrook & Balsall Heath	2
Sparkhill	2
Stirchley	1
Stockland Green	6
Sutton Vesey	1
Tyseley & Hay Mills	1
Ward End	4
Yardley & Stechford	2

WRITTEN QUESTION TO CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ROGER HARMER

J8 CAZ Grants

Question:

Could the cabinet member report on the take up of Clean Air Zone grants for taxi drivers, setting out how many have been awarded at what cost and how many have been rejected?

Answer:

There are six grant types available from the taxi fund. These cover both Hackney Carriage and Private Hire (PHV) vehicles. 51 taxi grants have been awarded, with a total cost of £94,000. 12 taxi grant applications have been rejected, as they did not meet the published criteria.

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

J9 CAZ Grants

Question:

Could the cabinet member indicate what advice and support the council is offering to taxi drivers and other applicants who may have trouble accessing grants available through the Clean Air Zone?

Answer:

Prior to the launch of the taxi grant schemes on 8 October 2020 the application process had been tested with members of the taxi community. In addition, full guidance notes and the step by step application process have been published on the Brum Breathes website.

There are also specific members of the Clean Air Zone team who support the taxi grant application process. This includes communicating with applicants in writing and by phone should they experience any difficulties in completing their applications or in understanding the process and the eligibility criteria for the grant schemes.

It should also be noted that I have participated in online sessions with Birmingham's taxi community and encouraged them to make contact with their trade representatives, operators and local Councillors should they experience any specific issues with the application process.

Birmingham City Council

City Council

01 December 2020



Subject: Scrutiny Business Report
Report of: Chairs of the Overview & Scrutiny Committees
Report author: Emma Williamson, Head of Scrutiny Services

Does the report contain confidential or exempt information? ☐ Yes ☒ No

1 Executive Summary

- 1.1 This is the third Scrutiny Business Report presented to Full Council, and this report focuses on the main pieces of work being undertaken by Scrutiny this year. It also sets out progress with regards to developing a Scrutiny Framework.

2 Recommendations

- 2.1 That the report be noted.

3 Scrutiny Today

- 3.1 In the last Scrutiny Business Report, we noted the impact of the Covid-19 pandemic on scrutiny, including the requirement to put “business as usual” on hold and cancel a number of meetings. At that time, scrutiny had restarted its work and was working to ensure it could fulfil its important governance role as substantial decisions are being made, both as part of the Coronavirus response and in continuing council business.
- 3.2 All eight Overview & Scrutiny Committees have now returned to a full programme of regular meetings – unlike in many authorities where scrutiny had been put on hold or limited in number. Whilst retaining an eye on Covid-19 related matters, scrutiny is also doing what it does best – focusing on issues that are of concern to our citizens.
- 3.3 In the current municipal year (up to 30th November), 43 formal meetings have been held, with an additional 17 informal briefings and evidence gathering sessions (all held remotely via Microsoft Teams). Four inquiries are underway or have been completed, with another two at the planning stage. The following section of the report sets out the main pieces of work.

4 Scrutiny Inquiries and Major Pieces of Work

Responding to Our Customers – Co-ordinating O&S Committee

- 4.1 At the last Full Council meeting in November, the Co-ordinating O&S Committee presented its inquiry into how the City Council responds to its citizens when they contact the council to request a service or make a complaint. The recommendations were approved by the Council and the Executive will report back on their implementation in March 2021. In the meantime, the Committee continues its work in this area, focusing over the next months on a protocol for responding to members' enquiries.

Exempt Accommodation – Co-ordinating O&S Committee

- 4.2 The next major piece of work the Committee will undertake is in relation to exempt accommodation, exploring what powers the City Council has to regulate, control and enforce matters in respect of exempt accommodation in the city (i.e. where supported accommodation is provided and is exempt from HMO licensing). As noted in a recent Cabinet report, the growth in exempt accommodation in Birmingham has been increasing significantly since 2017. The range and quality of this accommodation varies and, at its worst, provides poor support to some of the most vulnerable people living in our city.¹
- 4.3 This inquiry is in the early planning stages, with meetings being held with officers to scope the terms of reference. As in any of our work, if any member wishes to contribute to this inquiry, please contact the Scrutiny Office.

BCC Owned Assets – Economy and Skills O&S Committee

- 4.4 The Committee has commenced an inquiry looking into what more the Council could do, through the use and management of its property estate, to ensure small and medium-sized businesses and community organisations and enterprises can play a full part in the city's economic development and regeneration.
- 4.5 This inquiry will encourage people and organisations to share their experiences of property dealings with the Council and seek information from Cabinet Members and senior officers. Through this we will examine how well the service meets the aims of the Property Strategy, how best the Council can balance financial propriety in obtaining best value from its assets with supporting communities, small and medium-sized enterprises and the voluntary sector to take part in economic development and regeneration and share in maximising the benefits.
- 4.6 Evidence gathering has commenced with three sessions in November and December. Further details can be found [here](#).
- 4.7 In addition, on 13th November the Committee held an extra meeting to formulate its response to the BCC consultation on the Birmingham Recovery Plan. Key areas the Committee have asked to be considered are: fully incorporating the Route to Zero

¹ [Bid to Ministry of Housing Communities and Local Government \(MHCLG\) Re. Supported Housing Oversight Pilots 2020/2021](#), Cabinet 13 October 2020

as a central principle; balancing the city-centre focus with attention to suburbs and local centres; the role of BCC in practical business support for independents and SMEs throughout the city; and inclusion of arts and culture sector in the summary of challenges the city is facing in the wake of COVID-19.

Infant Mortality – Health and Social Care O&S Committee

- 4.8 Infant mortality is defined as the number of infants who die between 28 days and less than one year after birth. Infant mortality is an indicator of the general health of an entire population. Nationally the rate of infant mortality has been declining steadily since the 2001/03 period. However, this has not been the trend in Birmingham where the infant mortality rate has not been consistently decreasing and where the rate has consistently been above that of England.
- 4.9 This scrutiny inquiry therefore focuses on options for improving the advice and support to families at the pre-conception stage, particularly amongst communities with the highest prevalence of infant mortality. The inquiry aims to add value by acting as a stimulus to possible interventions which could improve the infant mortality rate in Birmingham.
- 4.10 Evidence gathering will start in December. Further details can be found [here](#).

Reducing Fly-tipping – Housing and Neighbourhoods O&S Committee

- 4.11 As reported previously, the Housing and Neighbourhoods O&S Committee has been undertaking an in-depth inquiry into fly-tipping. Members recognised the persistent problem of fly-tipping in some parts of the city which is blighting streets and public areas and wanted to look at ways to support and challenge the current approach to tackling fly-tipping. Background research has been undertaken to understand the extent of the problem in Birmingham and to explore best practice elsewhere.
- 4.12 Three evidence gathering sessions have been held, including two very useful meetings with officers from Barking and Dagenham, and Nottingham councils, who told members about their innovative approaches to tackle fly-tipping.
- 4.13 The evidence gathering has now been completed and the Committee will be reporting to the Executive with recommendations to strengthen the Council's response to this problem.

Engagement of Agency Workers, Consultants and Interims – Resources O&S Committee

- 4.14 At the last Full Council meeting, members approved changes to the Constitution that included a clause giving the Cabinet Member for Finance and Resources "oversight of the use of consultants". The Cabinet Member is now undertaking an examination of existing policy and delegations, current engagement and deployment of contingent labour together with an assessment of spend, with a view to establishing a mechanism/policy for the engagement of agency workers, consultants and interims.

- 4.15 The Committee has agreed to assist the Executive in this work, and it is proposed that the Committee is engaged in reviewing the draft policy and contributing to its development. This work will take place in the early part of 2021.

Commonwealth Games Cultural Programme and Community Engagement – Commonwealth Games, Culture & Physical Activity O&S Committee

- 4.16 In October, members of the Committee received an update from Martin Green, Chief Creative Officer for the Birmingham 2022 Commonwealth Games Organising Committee, on the cultural programme to accompany the Games, which will run from March through to September 2022. This will encompass the opening and closing ceremonies, the wider cultural programme, the Queen's Baton Relay, live sites that will deliver free to enter spaces for fans where people can engage with the Games, medal ceremonies for the winners, welcome ceremonies for all of the territories and nations taking part, and the learning programme that seeks to reach at the very least one million young people in the West Midlands.
- 4.17 Craig Cooper, Commonwealth Games Programme Director, Birmingham City Council and Matt Eagles, Head of Communications, Birmingham 2022 Commonwealth Games attended the November meeting, and members reviewed the partnership working, including community organisations, and the funding opportunities (the cultural programme is the only unfunded part of the Games, and so fundraising for this is currently well underway). Members also learned about an element of community ward funding to be allocated from March 2021 with strong member involvement. Members were also briefed on recent campaigns such as the Dinner with Strangers, Women in Sport and Hometown Heroes, as well as the virtual mascot summit which included athletes and celebrities as well as local children.
- 4.18 Members will be exploring in more detail the role ward members can play in making the Games 'a Games for everyone' in more detail in coming months.

Climate Emergency – Sustainability and Transport O&S Committee

- 4.19 Following a report to Full Council in September on progress on the commitments made within the Climate Emergency Declaration agreed by Council in June 2019 the Committee has continued to track the Council's commitments to reducing carbon emissions and other priorities. The next stage is the formation of an action plan to be reported on in January to Full Council. The Committee is anticipating that a draft will be available to consider at their December meeting.
- 4.20 The Committee is also looking at the various strands of activity that is needed to deliver the carbon-zero target, including the Emergency Birmingham Transport Plan and the launch in September of a pilot E-Scooters scheme in the city. In January, the Committee will hold a discussion on 'Clean Air'. This will include receiving feedback on the Air Quality Plan consultation and consideration of priorities for the clean air strategy such as tackling air pollution outside of the city centre. Members are also following up on previous work and received the first tracking on the implementation of recommendations made within the Plastic Free Birmingham

Inquiry presented to Full Council in February 2019 and noted the disappointing progress made against the recommendations.

SEND – Education and Children's Social Care O&S Committee

- 4.21 Following on from September's City Council debate on the Home to School Transport Inquiry, the Committee received an update on intervention measures that had been put into place as a direct result of the issues highlighted. An independent inquiry has taken place following the motion to Full Council, and the results were discussed at a public meeting on 24th November. Stakeholders will hear Ernst & Young LLP's findings and ask questions of the Inquiry team. Following that, the Inquiry's report and the Council's response will be reviewed by the Education and Children's Social Care Overview & Scrutiny Committee.
- 4.22 An update on progress made on the Written Statement of Action Plan for Special Educational Needs and Disabilities (SEND) in just over two years was provided and made clear that this is very much a partnership approach, with the Council and Birmingham and Solihull CCG being jointly responsible for the programme. Examples of progress were provided, and this included improvements made to the Local Offer and the Committee will continue to monitor progress.
- 4.23 Absence and exclusions will be a future focus for the Committee, and this is to include children with SEND and the interplay between the different teams.

5 A Framework for Scrutiny

- 5.1 Alongside the Committee work, work on the future of scrutiny in Birmingham continues. As noted in our last report, Scrutiny Chairs had agreed to take forward the development and implementation of a Scrutiny Strategic Framework, to set out the role and purpose of Scrutiny, to build understanding across the wider organisation of how scrutiny can benefit the Council and to set out consistent standards by which this could be achieved. This framework will be a co-production between the Executive and Scrutiny and will have cross-party involvement; such an approach would signal the extent to which a strong cultural commitment to scrutiny is owned by the council's leadership.
- 5.2 Sessions have now been held with backbench members as well as with Cabinet and Co-ordinating O&S members. A working group has been convened to take forward the draft framework, and further progress will be reported in our February 2021 Scrutiny Business Report.

Birmingham City Council

City Council

1 December 2020



Subject: West Midlands Combined Authority - Overview & Scrutiny Committee

Report of: Chair of the WMCA's Overview & Scrutiny Committee

Report author: Councillor Lisa Trickett

Does the report contain confidential or exempt information? ☐ Yes ☒ No

1. Executive Summary

- 1.1 This report provides a summary of the work of the West Midland Combined Authority's Overview & Scrutiny Committee, which is chaired by Councillor Lisa Trickett.

2 Recommendation

- 2.1 That the report be noted.

3 Background

- 3.1 Overview & Scrutiny is a statutory requirement for the West Midlands Combined Authority to undertake. The committee has the responsibility to review the work of the elected Mayor of the West Midlands, the WMCA Board and its committees, to make recommendations to the WMCA Board and its committees and call-in decisions for further scrutiny.
- 3.2 The committee performs two functions: 'overview' focusses on the development of future policy and 'scrutiny' looks at decisions that have been made or are about to be made.
- 3.3 The Overview & Scrutiny Committee has produced an Annual Report for 2019/20, which sets out clearly and succinctly the work of the committee over the last year. This report attached as appendix 1 for information.
- 3.4 During this current year 2020/21, the work of the Overview & Scrutiny Committee has had a strong focus on the regional recovery plan following the COVID-19 pandemic.

- 3.5 The committee has met with Councillor Ian Brookfield, WMCA Portfolio Lead for Economy & Innovation, Deborah Cadman, WMCA Chief Executive and Julia Goldsworthy, Director of Strategy to discuss and answer questions on the 'Recharging the West Midlands' submission of funding asks to Government.
- 3.6 This key regional document has prompted the committee to commission two pieces of work looking in more detail at individual projects within it: the creation of the Grand Central Diagnostics Hub at Birmingham New Street station, and delivery of a battery Gigafactory and the wider regional benefits that could be realised.

Mayoral Q&A Sessions

- 3.7 In October, the committee questioned the Mayor on the delivery and impact of the WMCA's policies. The following observations were shared with the WMCA Board on 13 November:
- Whilst recognising the value of the 'Recharge West Midlands' asks of the Government, did this investment portfolio adequately address the existing embedded and systemic inequalities in the region and the challenges currently being faced by residents across the West Midlands seeking to recover from the economic impacts of the pandemic?
 - Did the WMCA have a clear plan to enable it to transition its policy objectives to meet the new and emerging challenges across the region, including the COVID-19 pandemic, climate change and automation, especially within sectors and communities still impacted by previous transitions?
 - Was there sufficient ambition with the devolution discussions with the Government to deliver the WMCA the powers and resources necessary to meet the economic and social challenges of the region, and did the WMCA maximise its other sources of funding to address these challenges?
 - Did the outputs of the WMCA meet its stated ambitions, and could better use be made of aligning the region's priorities in order to close the inequality gap that currently existed and, as a consequence deliver lasting inclusive growth?
 - Had the WMCA developed sufficient policies that would drive its inclusive growth ambitions and deliver lasting change?
- 3.8 The committee will hold its second Q&A with the Mayor on 11 December, which will have a focus on the proposed budget for 2021/22.
- 3.9 At its meeting in November, the committee met with Councillor Mike Bird, WMCA Portfolio Lead for Housing & Land to discuss and answer questions in relation to housing and land issues, including the delivery of affordable and social housing and brownfield land remediation fund.

Call-In

- 3.10 The Overview & Scrutiny Committee has recently called-in the decision of the Housing & Land Delivery Board. The call-in was in relation the 'Affordable Housing Collaborative Delivery Vehicle' report. The reason for the call-in was stated as:

The board was not made aware of the extent of need and possibility of specifying a purpose to deliver on social housing requirements. Our concern is that members have not been given the information required to make an informed decision and that this report unduly fetters the opportunity to use such a vehicle to deliver on housing need in the region.

Scrutiny Reviews

- 3.11 During 2019/20 the Overview & Scrutiny Committee undertook a series of reviews, including a high-level review of the WMCA's internal governance arrangements, as well as the effectiveness of the existing governance arrangements relating to its transport responsibilities.

WMCA Governance

- 3.12 This review sought to understand the effectiveness of the current arrangements in embedding and maintaining strong links between policy development and delivery for the WMCA and whether the authority exhibited appropriate decision-making behaviours and culture.
- 3.13 The review panel heard evidence from the Mayor of the West Midlands, the Chair of Audit, Risk & Assurance Committee and the statutory officers, along with external stakeholders and representatives from the Greater Manchester Combined Authority and the chief executives of Coventry City Council and the City of Wolverhampton Council.
- 3.14 The Chair of the Overview & Scrutiny Committee attended a meeting of the Strategic Leadership Team to present the findings of the review and discuss its implications, including the committee's sense of existing cultures and behaviours, political leadership, place shaping, investment and fund strategies, outcome-based reporting, political challenge and oversight within the WMCA, and consultation & engagement with the Young Combined Authority. This work continues, with the Chair to meet further with senior officers within the WMCA in the near future.

Effectiveness of Transport Governance

- 3.15 The Overview & Scrutiny Committee undertook a scrutiny review on the effectiveness of transport governance within the West Midlands Combined Authority. At its meeting on 17 January, the WMCA Board considered the findings of the scrutiny review and subsequently approved its recommendations in their entirety.
- 3.16 Included within these was a recommendation to establish a Transport Scrutiny Sub-Committee reporting into the Overview & Scrutiny Committee, which had

responsibility to review and scrutinise topics or issues connected to the transport-related powers exercised by the Mayor and the WMCA Board (including Transport for West Midlands).

- 3.17 The Transport Scrutiny Sub-Committee, which includes amongst its membership the City Council's Chair of the Sustainability & Transport Overview & Scrutiny Committee (Councillor Liz Clements), held its first meeting in September, which was followed by a Q&A session with Councillor Ian Ward, WMCA Portfolio Lead for Transport. Its workplan for the remainder of the year includes reviewing the development of the revised Local Transport Plan, the impact of the Active Travel Fund and oversight of the transport arrangements supporting the 2022 Commonwealth Games. A Q&A session with the Chair of the WMCA's Transport Delivery Committee (Councillor Kath Hartley) will be held in February 2021.

Black Country Scrutiny Review

- 3.18 During this current year the Overview & Scrutiny Committee will undertake a review to understand whether the regional economic recovery proposals were meeting the needs that had been identified within the Black Country sub-region, and to consider whether these specific sub-regional needs were being adequately considered during the development of wider regional policies and delivered sustainably.
- 3.19 Meetings of both the Overview & Scrutiny Committee and Transport Scrutiny Sub Committee continue to be held remotely under the current pandemic regulations, but all meetings are streamed live online to maximise public awareness.

West Midlands Combined Authority **Overview & Scrutiny Committee** Annual Report 2019/20



West Midlands
Combined Authority

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Foreword

Chair – Councillor Lisa Trickett

Can I welcome you to the annual review of the West Midlands Combined Authority's Overview & Scrutiny Committee for 2019/20, my first as its Chair. Whilst we all entered the year without any sense of the unprecedented challenges the WMCA, the wider West Midlands region or indeed the whole country would be facing by the time 12 months was out, the members of the committee were clear in the key role they were tasked with in holding the Mayor, Portfolio Leads and the combined authority's wider political leadership to account.

The themes the committee identified at the start of the year as running throughout its workplan - accountability, connectivity, investment – set out clearly its focus on how the WMCA would make a difference to the communities across the region, how investment decisions would actually improve people's lives, and ensuring that aspirational ideas were followed up with identifiable actions. I hope the annual review gives a sense of the work undertaken to do this.

I would like to thank the Mayor, Portfolio Leads, officers of the WMCA and others who willingly gave their time to meet with the committee in an open and reflective way, and who acknowledged the constructive challenge of scrutiny members in the spirit it was offered. Can I also thank those officers who supported and facilitated the work of committee, much of it behind the scenes but of no lesser importance.

The significance of the work undertaken by the WMCA during the next 12 months cannot be overstated. The post-Covid-19 recovery plan, as it seeks to address the economic and social impact of this awful pandemic, must ensure investments and interventions are targeted at closing the region's inequalities and fulfilling the WMCA's ambition of inclusive growth and tackling climate change. The Overview & Scrutiny Committee stands ready to play its part in these endeavours.

Can I finish by thanking all the members of the Overview & Scrutiny Committee for their countless hours of hard work during the last year. They have much to be proud of, and I look forward to working with them again in the coming year to further build on the vital role the committee undertakes.



Committee Members 2019/20



Councillor Lisa Trickett
Birmingham
Committee Chair and Scrutiny
Champion for Public Service
Reform & Social Economy



Councillor Dean Carroll
Shropshire



Councillor Cathy Bayton
Dudley
Committee Vice-Chair



Councillor Mike Chalk
Redditch
Scrutiny Champion for
Productivity & Skills



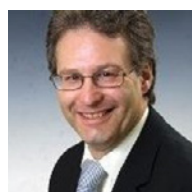
Councillor Lynnette Kelly
Coventry
Committee Vice-Chair



Councillor Brian Douglas-Maul
Walsall



Councillor Richard Brown
Coventry
Scrutiny Champion for Culture &
Digital



Councillor Peter Fowler
Birmingham
Scrutiny Champion for
Environment, Energy & HS2



Paul Brown
Black Country LEP



Councillor Angus Lees
Dudley
Scrutiny Champion for Transport



Councillor Chris Cade
Rugby



Mike Lyons
Greater Birmingham & Solihull
LEP

Committee Members 2019/20



Councillor Simon Peaple

Tamworth
Scrutiny Champion for Housing
& Land



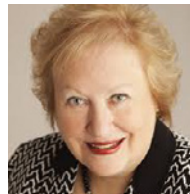
Councillor Paul Sweet

Wolverhampton



Councillor Lucy Seymour-Smith

Birmingham



Councillor Kate Wild

Solihull



Councillor Stephen Simkins

Wolverhampton
Scrutiny Champion for Economy
& Innovation and Inclusive
Communities



Sarah Windrum

Coventry & Warwickshire LEP

A Year of Overview & Scrutiny in Numbers

1

Overview &
Scrutiny
Committee

19

Members

8

Scrutiny
Champions

2

Task & Finish
Groups

3

Mayoral Q&A
Sessions with
Scrutiny

7

Scrutiny Training
Events

6

Committee
Meetings

3

Spotlight
Sessions

Introduction

Overview & Scrutiny is a statutory function within the West Midlands Combined Authority, undertaken by the Overview & Scrutiny Committee that has responsibility to review the work of the Mayor and the WMCA and hold decision makers to account.

It may make recommendations to the WMCA Board and other committees, and call in decisions for further scrutiny and challenge that have already been made. The committee acts as an advocate for residents of the West Midlands by investigating issues that are important to local people and by looking further into matters brought to its attention by the public. From improving the economy to tackling mental health inequality, from delivering new modes of public transport to enabling the construction of new housing, the Overview & Scrutiny Committee, comprising the region's local councillors, is the body that scrutinises how all this is done.

While the committee's membership includes local councillors nominated by the WMCA's 18 member councils, it also has three representatives from the region's local enterprise partnerships. This brings a private sector perspective to discussions and ensures that the views of the region's local industries are heard at the highest levels of decision making.

The committee performs two functions: 'overview' and 'scrutiny'. 'Overview' focuses on the development of policy and 'scrutiny' that looks at decisions that have been made or are about to be made.

Overview & Scrutiny Committee

The committee has continued to build on the work of previous years in developing a programme that gives broad oversight to the policies of the WMCA and reviews the effectiveness of its key decisions. It has an important role in reviewing and scrutinising the Mayor, portfolio lead members and the wider WMCA about plans, priorities, corporate governance arrangements and financial affairs.

Overview & Scrutiny's Core Objective

The Overview & Scrutiny Committee had identified its core objective for 2019/20 as:

"Commissioning and undertaking an effective, clear and accountable programme of scrutiny reviews that improve the outcomes for residents of the West Midlands, ensuring that the committee and its members engage fully with the region's constituent and non-constituent authorities and its local enterprise partnerships"

Overview & Scrutiny's Key Themes

Underpinning this core objective, the Overview & Scrutiny Committee's work programme had a particular focus on three key themes:

- **Accountability**

The committee wished to see that high standards of governance underpinned how the WMCA made its decisions. This scrutiny area sought to ensure that those governance structures were fit for purpose, effective, encouraged transparent decision making and had adapted to new responsibilities for the WMCA. Wider public engagement was also looked at to ensure that the WMCA was hearing views of marginalised voices as well as those of experts. An appropriate understanding of the relative areas of responsibility of the Overview & Scrutiny Committee and the Audit, Risk & Assurance Committee was of relevance to this theme.

- **Connectivity**

The committee wished to see how the WMCA's services provided improved connectivity which benefited all areas across the region to ensure Inclusive growth targets were met. This covered not just traditional transport issues but new and emerging types of connectivity and the environment/energy and HS2 initiatives. This scrutiny area challenged the strength of these connections, as well as how the WMCA was addressing the digital divide within the region and making sure new technologies were delivered in a timely and inclusive way.

- **Investment**

Inclusive growth was at the heart of what the WMCA sought to do, and the WMCA was responsible for, or had influence over, significant funding streams. Its value as an organisation relied on the effective targeting of this funding. This scrutiny area sought to establish whether the ambitions and policies of the WMCA were realistic to the levels of funding it had, whether funding streams were being effectively targeted, and whether communities could feel the benefit of the WMCA's involvement.

Young Combined Authority Board

This year representatives from the newly established Young Combined Authority Board have joined the Overview & Scrutiny Committee to challenge and scrutinise the Mayor, portfolio lead members and the WMCA on matters relating to the delivery and impact of the WMCA's policies, financial affairs, transport, digital initiatives and the developing agenda to address climate change from a young person's perspective.

It is important that the voices of the young people are brought to the forefront and issues and concerns are brought to light at the ultimate decision-making board of the West Midlands.

“

The world around us continues to change rapidly and decisions that are made, the policies that are passed through - whether existing or new - impacts and transforms many aspects of our daily lives. As a generation, we are passionate to support causes we believe in and to be able to make a positive difference, not just for ourselves but the people we represent. It is then, when given the opportunity and flexibility, that young people can effectively offer unique insight on a broad range of issues.

As a Young Combined Authority (YCA), when we were presented with the opportunity to be part of the committee, we embraced it with open arms. The WMCA's Overview & Scrutiny Committee serves as a platform to challenge and question the Mayor of the West Midlands on policies and decision-making on a range of different topics. It has allowed members, serving as representatives of the YCA, to directly address the Mayor on the decisions and actions that affect our community and issues that are important to us.

Scrutiny's willingness to include the YCA and let us play an active role in partaking with in-depth reviews on specific issues has allowed for a more diverse perspective and valuable new insights they may not have received otherwise. It is these diverse perspectives that are needed in any board room to pursue its fundamental purpose, to add value. Ultimately, as young representatives we are best placed to express and address matters that affect us and ensure decisions are more appropriate and relevant.

As a member of the YCA, whilst serving on the Overview & Scrutiny Committee, I was also offered the opportunity to be a part of the WMCA governance review. I felt empowered, and by having access to decision making processes it further motivated me to participate in sessions and offer my contribution.

As one of my personal highlights, the governance review really demonstrated scrutiny's strengths in permitting young people to take on valued roles and influencing real outcomes. Through this review, I followed up on a connection with the Greater Manchester Youth Combined Authority and as a result, it has led to further engagements with officers at the GMYCA and positive dialogue has begun. This has been extremely worthwhile as it provides the YCA a chance to learn and adopt methods that have worked well for our older like establishment and vice versa.

I am keen to harness the connections made and engage in positive collaborative ideas going forward. It's not rocket science that young people are more likely to act on decisions if they have been involved in making them, and though some may be skeptical, there are clear benefits in having them involved.

A younger generation brings a fresh eye and innovative approaches to the mix and with that being said, I'm certain that the Young Combined Authority will only continue to add value. I would like to take this opportunity to express my heartfelt gratitude to the Chair and Vice Chairs, as well as members of the scrutiny committee, for their warm welcome and embracing us wholeheartedly. To be part of such an important and integral function of the West Midlands Combined Authority has been remarkable and it has genuinely been rewarding both professionally and personally.

Aisha Masood, Young Combined Authority Board

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Overview & Scrutiny Holding Decision Makers to Account

The committee has undertaken a number of public Mayoral Q&A sessions. These were structured around the committee's three core themes (accountability, connectivity and investment) with questions focusing on the key challenges for the WMCA.

In October, the committee questioned Andy Street on the delivery and impact of the WMCA policies in areas including:

- **Affordable housing**
- **Skills**
- **Economic development**
- **WM5G**

In December, the committee held its second Q&A with the Mayor and questioned him on financial matters relating to the developing budget for 2020/21, with a particular focus on:

- **financial transparency between proposed and actual spend**
- **measures to achieve inclusive growth outcomes**
- **targeting investments and outcome-based funding**
- **the future funding arrangements for the Young Combined Authority,**
- **future intentions for a mayoral precept and a WMCA business rate supplement; and**
- **the outcomes that the WMCA had achieved.**

The Mayor was also joined by the Portfolio Lead for Finance, Councillor Bob Sleight, who was questioned on matters relating to the Investment Programme.

For the first time this year in February, the committee held a third Q&A session with the Mayor, the Managing Director of Transport for West Midlands and the Managing Director of WM5G Ltd that had a specific focus on connectivity issues. The lines of enquiry covered not just transport issues but new and emerging types of connectivity and the environment/energy and HS2 initiatives. Members challenged the strength of these connections, as well as how the WMCA was addressing the digital divide within the region and making sure that new technologies were delivered in a timely and inclusive way.

Scrutiny members felt that these public Q&A sessions were an important part of providing public accountability and transparency of decision-making for the WMCA's only directly-elected politician.

Mayoral Q&A Sessions

Key Findings

Question Time One: Delivery and Impact of the WMCA's Policies

The conclusions and recommendations of the Overview & Scrutiny Committee have led to:

- A scrutiny review that looked at whether the WMCA was appropriately structured from a governance perspective to discharge its functions and responsibilities, given the rapid growth of its remit and influence.
- Clarification on the housing funding available to non-constituent members of the WMCA and how to apply.
- A deeper understanding of the support available to young people with disabilities beyond the age of 25.
- The development of a set of questions for future Mayoral Q&A sessions that enabled the committee to look deeper at the extent the WMCA's policies were reaching marginalised communities and the impact on their lives.
- An additional Q&A session held in February 2020 that focussed specifically on connectivity-related matters.

Question Time Two: WMCA's Draft Budget 2020/21

The following matters were submitted for consideration by the WMCA Board as part of its approval of the 2020/21 budget:

- The development of a mechanism for assessing the impact of the WMCA's Investment Programme on new projects coming forward, which was to include an evaluation of carbon counting, social impact and value-added assessments.
- The consideration of an environmental impact assessment to be undertaken before any new WMCA policy was introduced so that its direct impact on the environment was assessed as part of wider policy considerations.
- The continued promotion of an approach to addressing current skills needs that actively engaged employers and skills providers in understanding and responding to the future and projected skills needs of the region.
- The development of new practices and reporting to strengthen and consolidate performance information.

Question Time Three: Connectivity

The committee had reached a number of conclusions arising out of the responses it had received from the Mayor, and had a clear sense that public transport provision needed to respond to and reflect modern travel needs, recognising that existing transport planning might not always be addressing these needs. The conclusions reached included:

- Further consideration on how public transport connected with communities across the West Midlands. Were 'old' solutions still being applied to 21st century problems?
- Further clarification from the Government regarding its announcement of £5bn of funding for bus services. How much funding would be allocated to the West Midlands?
- Consideration to be given to the wider benefits of making the 16-18 photocard travel pass available for use at any time, including the funding implications that this would have.
- An acknowledgement of the tensions created by the use of different funding streams relating to capital and revenue expenditure.
- Transport for West Midlands should continue to be minded of the impact that affordability had on passengers' ability and willingness to use public transport.
- The full range of regulatory powers available to the Mayor/WMCA to give greater control and oversight over the public transport network should be more fully considered to address market failings.



The Impact of Scrutiny & Effectiveness

The committee has made a total of 17 recommendations to the WMCA Board, all of which were accepted, in relation to:

- WMCA's budget for 2020/21
- Connectivity within the region
- Transport governance
- Adult Education Budget

Transport Governance Scrutiny Review

Overview & Scrutiny Committee has recommended the strengthening of the Authority's Transport Delivery Committee and the wider transport governance arrangements within the West Midlands Combined Authority and across the region.

The acceptance of the recommendations by the Portfolio Lead for Transport and the WMCA Board led to a clear understanding of where transport policy, delivery and scrutiny should sit. The WMCA is therefore developing a mechanism:

- to improve the development of transport policy within the region.
- to provide a solution to strengthen transport scrutiny that would hold those charged with policy making and delivery responsibilities to account, and helped to align the transport scrutiny work undertaken within the constituent authorities together with the WMCA; and
- to commit to undertake a regular 'health check' of its governance within each mayoral cycle.

The committee will review how effective its recommendations have been in January 2021.

WMCA Governance Arrangements Scrutiny Review

Overview & Scrutiny Committee has reviewed the WMCA's governance arrangements to determine whether they were currently appropriate to deliver its aims and policy objectives, given the growth of its remit and influence.

The review group sought a range of written and verbal evidence to help inform its conclusions and recommendations. Face-to-face interviews were held with:

- Andy Street, Mayor of the West Midlands
- Deborah Cadman, Chief Executive, WMCA
- David Lane, Independent Chair, Audit, Risk & Assurance Committee
- Julie Connor, Assistant Director Governance & Scrutiny, Greater Manchester CA
- Linda Horne, Director of Finance, WMCA
- Martin Reeves, Chief Executive, Coventry City Council
- Councillor Ian Brookfield, Leader, City of Wolverhampton Council
- Tim Martin, Head of Governance, Clerk and Monitoring Officer, WMCA

The committee is producing a briefing note based on its findings that will be shared with the Mayor and the Strategic Leadership Team in due course.

Adult Education Budget Scrutiny Review

Overview & Scrutiny Committee has undertaken a review of the Adult Education Budget in conjunction with Portfolio Leads for Productivity & Skills from each of the constituent authorities.

The adoption of the recommendations by the Skills Advisory Board and the WMCA Board has led to:

- the development of a method for tracking learner destinations to demonstrate the impact of devolution.
- work to establish a set of impact measures for the Adult Education Budget to include wider social outcomes such as improved confidence and improved health.
- the commissioning of an independent four-year evaluation of the impact of the Adult Education Budget and the impact of devolution.
- funding training and education that leads to jobs and to improvements in employment and income for individuals.
- improvements in ensuring that all Adult Education Budget employability courses added value to an individual's journey into employment.
- the development of a discussion paper to understand the potential role of the Adult Education Budget in supporting learners with learning difficulties and disabilities aged post-19



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Overview & Scrutiny Committee's recommendations have really helped us to drive a different approach with AEB

Director of Productivity & Skills, WMCA

”

Spotlight Sessions

An agile and lighter touch approach to scrutiny reviews

WM5G

In the autumn of 2019, the committee held its first spotlight session with WM5G to discuss and challenge the delivery of the programme, its objectives and impact.

The committee questioned Andy Welch, Technical Director, WM5G Ltd on areas as varied as:

- investments (real, secured and guaranteed money)
- measures and metrics used to seek the outcomes and achievement of the programme within three years
- the projection of jobs created across the region, for both private and public sectors, as a result of 5G
- barriers to delivery
- alleged health concerns and data security implications.
- Implications of Brexit to the delivery programme

In the spring of 2020, a further session was held with Robert Franks, Managing Director, WM5G Ltd. Questions focused on:

- how 5G could benefit SMEs
- the role 5G would play in delivering innovative new projects
- funding structures that underpinned the trial
- the need to establish awareness of the difference between 5G consumer and 5G core.
- investments
- the need to ensure that all communities should be able to benefit from the delivery of 5G

#WM2041: Actions to Meet the Climate Challenge

In the summer of 2019, the WMCA Board declared a climate emergency.

A spotlight session was held with the Director of Public Sector Reform on the proposals of the WMCA's Carbon Reduction Action Plan that was used to inform the #WM2041 climate green paper.

The committee asked questions that focused on:

- the robustness of the transition plan
- timescales for delivery
- the need for additional investment to deliver such a crucial agenda by 2041
- affordability for those already marginalised
- the delivery of eco-friendly housing
- transport initiatives to help reduce car use and encourage the use of public transport



Training & Development

Members Induction Session

In the summer of 2019, a Members induction session was held to welcome new members that had been appointed onto the WMCA Board and/or its committees.

The purpose of the session was to help members to better understand the role and remit of the West Midlands Combined Authority, and to meet the Chief Executive, the Mayor and Deputy Mayor and key senior officers.

Statutory Guidance on Overview & Scrutiny in Local and Combined Authorities

In the summer of 2019, the Overview & Scrutiny Committee received an update on the new statutory guidance on Overview & Scrutiny in Local and Combined Authorities, and what this meant for the committee, which had been published by the Ministry of Housing & Communities Local Government in May 2019.

Role of the WMCA's Overview & Scrutiny Committee

Members of the Overview & Scrutiny Committee received further training and material that highlighted the core role the scrutiny committee played in the WMCA, its value and the outcomes it could deliver, the powers it had, its membership and the role and purpose of the committee. The WMCA had developed a suite of information to help communicate scrutiny's role and purpose to members and officers including:

New Scrutiny Protocol

A new scrutiny protocol was developed during year that helped to develop a collective understanding of the committee's core role and purpose and a common understanding about the way it operated. The protocol outlined cultural aspects such as behaviours, officer support, expectations and engagement, together with ways of working and important administrative aspects.

Overview & Scrutiny Member Role Profile

The WMCA had developed a role profile for members that helped to give them an indication of what would be expected of them as a member of the Overview & Scrutiny Committee.

Member Development Plan 2019/20

A development plan for members of the Overview & Scrutiny Committee had been produced for 2019/20. The plan ensured that members were provided with the skills and knowledge to help them to effectively fulfil their role as a scrutiny member within the West Midlands Combined Authority. A number of training sessions were held throughout the year including:

WMCA Finance Training

During October and November 2019, members participated in two training sessions in relation to the WMCA's finances 2019/20 and the draft budget 2020/21. The training sessions focused on the:

- WMCA's financial position for 2019/20
- draft budgets for the respective portfolios 2020/21
- draft capital budgets
- Investment Programme
- options for funding future transport services
- additional funding devolved from Government to the WMCA to deliver its priorities through two devolution deals, a housing deal and a skills deal.
- timetable for the development of the Medium Term Financial Plan 2020

Centre for Public Scrutiny Training Events

In addition to internal training, officers of the WMCA and members of the committee were informed of training and events that are led by the Centre for Public Scrutiny, as appropriate.

Centre for Public Scrutiny Annual Conference: Driving Smarter Scrutiny - 3 December, London

The Centre for Public Scrutiny held its Annual Conference on 3 December in London. The conference was attended by Statutory Scrutiny Officer and Governance Services Manager. The event consisted of practical workshops with expert speakers on the latest news and trends. There were opportunities to share best practice, challenges and learn from others.

Combined Authority Governance Network Group – 'A Collective of the Combined Authorities'

The Combined Authority Governance Network Group is a collective of combined authorities across the country that meet on a regular basis and share best practice and learn from others on governance matters, including overview and scrutiny issues. The West Midlands Combined Authority is a regular participant of the network group, which is facilitated by the Centre for Public Scrutiny on behalf of the Local Government Association.



Communications Activity

Overview & Scrutiny Committee Communications Plan

The WMCA has developed a communications plan to help to:

- raise the level of awareness of the work of the committee amongst members of the public, local authorities and other stakeholders.
- Increase citizen engagement, particularly amongst harder to reach communities.
- Highlight best practice within governance and scrutiny.

End of Year Evaluation Survey

An end of year self-evaluation survey was undertaken this year that provided members with an opportunity to reflect on the strengths and weaknesses of the WMCA's current arrangements for Overview & Scrutiny Committee, and to put in place practical steps for improvement. Key findings included:

- More engagement sought with portfolio leads and their areas of responsibility.
- Greater use to be made of the knowledge and expertise of LEP representatives.
- Focussed topics of discussion for each of the Mayoral Q&A sessions.
- Greater flexibility around scheduling of meetings required to help member participation.

Twitter Account - @WMCA_Scrutiny

In February 2020, the WMCA had introduced a dedicated twitter account @WMCA_Scrutiny for its Overview & Scrutiny Committee.

Scrutiny Bulletin

A bulletin summarising the work of the committee was circulated after each meeting to members and officers within the West Midlands Combined Authority and constituent and non-constituent authorities.

Looking Forward

Overview & Scrutiny is a statutory function within the West Midlands Combined Authority, undertaken by the Overview & Scrutiny Committee that has responsibility to review the work of the Mayor and the WMCA and hold decision makers to account.

Earlier and Regular Engagement between the Executive and Scrutiny

For 2020/21, the committee want to work closely with the Strategic Leadership Team to develop its annual work programme. Whilst recognising their distinct roles, the committee wishes to engage with senior officers on the key challenges for the WMCA, which had helped to form its lines of enquiry in previous years and can continue to assist in the development of committee's work programme going forward.

Performance Monitoring and Pre-Development/Pre-Decision Scrutiny

For the forthcoming year, the committee would like to continue to engage with the Strategic Leadership Team specifically to develop the committee's role in relation to performance monitoring and delivery, and to embed a culture of pre-development and pre-decision scrutiny as an integrated part of the WMCA's business culture.

Social Media

In conjunction with the WMCA's Communications Team, the Overview & Scrutiny Committee has created a communications plan that has already seen the introduction of a dedicated Twitter account @WMCA_Scrutiny. For the forthcoming year, the committee would look to work with the WMCA to produce more multi-media content (video, animation, statistics as well as key messages), to engage in online conversations with the public relevant to the work of the committee, post short videos of key participants offering comments and views relating to scrutiny work and enhance live stream facilities to broadcast committee meetings.





West Midlands
Combined Authority

Birmingham City Council

City Council

1 December 2020



Subject: Interim Statement of Licensing Policy 2020
Report of: Acting Director of Neighbourhoods
Report author: Sajeela Naseer, Head of Licensing, Markets and Street Trading
 Tel: 0121 303 6112
 Email: sajeela.naseer@birmingham.gov.uk

Does the report contain confidential or exempt information? ☐ Yes ☒ No

1 Executive Summary

- 1.1 The City Council as the Licensing Authority is required to determine and publish its Statement of Licensing Policy at least every five years and keep it under review and make such revisions to it at such times, as it considers appropriate.
- 1.2 This is a requirement of the Licensing Act 2003 ('The Act').
- 1.3 In order to take effect, the policy and scheme of delegation must be approved by City Council.

2 Motion

- 2.1 That City Council approves the Interim Statement of Licensing Policy 2020 and authorises:
 - (i) the City Solicitor to update the list of Policy Framework Plans to include the same; and
 - (ii) the Assistant Director of Regulation and Enforcement to do what is necessary to publish and comply with the same.

3 Background

- 3.1 Section 5 of the Licensing Act 2003 requires the licensing authority to determine and publish its Statement of Licensing Policy every five years.
- 3.2 The current Statement of Licensing Policy has been in effect since 2015. The next full review being due in 2020.
- 3.3 The full review, including Cumulative Impact Assessment was due to be commenced in the spring of 2020. Unfortunately, owing to the pressing need to

respond to urgent operational matters resulting from the Coronavirus Pandemic, it was not possible to start the work as planned.

- 3.4 In April 2020 the Local Government Association published a document entitled: *Approaches to managing licensing and related issues during the COVID-19 pandemic Advice for licensing authorities.*

<https://www.local.gov.uk/approaches-managing-licensing-and-related-issues-during-covid-19-pandemic>

In which they stated:

Councils may want to consider with members whether it would be pragmatic to delay their consultations given the current challenges in effectively engaging with the local trade and residents. The LGA has flagged to the Home Office that this should be acceptable, assuming work is progressed once some level of normality has returned.

- 3.5 In August 2020, the Leader of Birmingham City Council, in company with the leaders of Leeds, Manchester and Westminster wrote to the Home Office Minister requesting confirmation of such a delay. A copy of this letter is attached at Appendix B. No official response has been forthcoming, but officers have been advised informally that this will not be permitted.
- 3.6 It is proposed to introduce an interim policy in order to secure legal compliance to allow sufficient time for the more in-depth work to be carried out.

Cumulative Impact

- 3.7 Prior to the amendments made by the Policing and Crime Act 2017, the Licensing Act 2003 did not contain any reference to 'Cumulative Impact Policies'. The only reference was included in the s182 Statutory Guidance published by the Home Office. The guidance defines Cumulative Impact as:

"the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area" (para 14.20)

- 3.8 The revised s182 Guidance states:

"A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area." (para 14.24)

- 3.9 The effect of a cumulative impact policy is to reverse the 'presumption to grant'. In ordinary circumstances, the Licensing Act operates on a presumption that a licence will be granted unless it can be demonstrated that it should not be i.e. through objections etc. Cumulative Impact policies reverse the presumption to make it so the licence application (subject to receipt of relevant objection) would be refused,

unless it can be demonstrated (by the applicant) that they will not add to the impact on the licensing objectives.

- 3.10 Such policies are only relevant in cases of new applications or variations to licences. They DO NOT affect existing licences.
- 3.11 The codification of cumulative impact in 2017 brought in evidential requirements which must be proven before such a policy can be adopted. It introduced the Cumulative Impact Assessment. This is an assessment separate to the Statement of Licensing Policy which must be revised every three years, as opposed to the five-year requirement for the Statement.
- 3.12 The 2015 Statement of Licensing Policy (as amended 2017) included several Cumulative Impact Policy (CIP) areas. Cumulative Impact Policies can only be referred to in the Interim Policy if a CIA has been carried out and this indicates the need for a CIP. It has not been possible to carry out any CIAs in the preceding year due to the Coronavirus pandemic. Extensive timely data is required from several partners to establish the required evidence for the introduction or maintenance of a CIP. As much of that evidence is not available (as many licenced premises have not been operating or operating on restricted hours) it is not possible to carry out CIAs. Any suggestion to maintain the Cumulative Impact Policies in the 2015 policy document would present a risk of judicial review.
- 3.13 However, as is clearly stated in the s182 Guidance: “The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact”.

4 Options considered and Recommended Proposal

- 4.1 When considering the requirement to determine and publish a Statement of Licensing Policy the following options were considered:
- Retain the current Statement of Licensing Policy 2015
 - Carry out a full review of the Statement of Licensing Policy 2015
 - Carry out an interim review of the Statement of Licensing Policy to produce an interim policy
- 4.2 For the reasons outlined in section 3 above the option the first two options were not considered appropriate. As such an Interim Statement of Licensing Policy 2020 (appendix A) has been produced and consulted on.

5 Consultation

- 5.1 The original Policy was subject to consultation with stakeholders before being implemented in 2005. The latest revised version was approved with effect from 2015.

- 5.2 As this proposed policy does not differ from the 2015 policy (except in terms of the removal of reference to cumulative impact policies), a brief consultation was carried out, with a view to a much more comprehensive consultation package as part of the subsequent review. This subsequent review to be carried out in 2021.
- 5.3 Consultation commenced with stakeholders, including (but not limited to) the list of statutory Consultees, being:
- The chief officer of police for the licensing authority's area,
 - The fire and rescue authority for that area,
 - Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
 - Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
 - Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
 - Such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 5.4 The public consultation was for four weeks, from 16th October to 13th November. One response was received proposing the inclusion of reference to the Public Sector Equality Duty (appendix C). These proposed changes have been discussed with legal advisers and have been included within the draft document and shown in section 6 of this report.

6 Redaction, addition or amendment following consultation

- 6.1 The main amendments made to the final policy following consultation are set out below.
- 6.1.1 New paragraph 6.7.1 expanding on the Equality Act including Public Sector Equality Duty.
- 6.1.2 New paragraph 14.4 clarifying that, as per the Section 182, Licensing Act 2003 guidance issued by the Home Office, a responsible authority or any other person can make representations on the variation or grant of a licence on the grounds that this will give rise to a negative cumulative impact, but it is incumbent on them to provide evidence of this.

7 Risk Management

- 7.1 The Licensing Service has sought legal advice to ensure it is compliant with the consultation process and the contents of the final policy. Advice has been received confirming that compliance.

8 Compliance Issues

- 8.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

8.2 The proposals within the policy support the delivery of the Council Priority “Birmingham is an entrepreneurial city to learn, work and invest in” as set out in the Birmingham City Council Plan 2018 – 2022.

8.3 Legal Implications

8.3.1 The Council’s primary statutory rights in relation to licensed premises are set out in the Licensing Act 2003.

8.3.2 In addition to activities authorised expressly under the above legislation, the Council may also do whatever is reasonably incidental to that power. This is given statutory effect in Section 111 (1) Local Government Act 1972 which states:

“Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.”

8.4 Financial Implications

8.4.1 The cost of devising and maintaining a Statement of Licensing Policy is included within the existing licence fee structure. Carrying out a full review will be labour intensive in terms of officer hours and may require external expert support.

8.4.2 Any proposal to maintain the Cumulative Impact Policies stated in the 2015 policy document would present a risk of judicial review. Any decisions made by the sub-committee citing the CIP would also be susceptible to a judicial review.

8.5 Public Sector Equality Duty

8.5.1 The benefit of an agreed Policy is to ensure a consistent approach.

8.5.2 The Government carried out an equality impact assessment of the legislation which found that no unintended or disproportionate impact is likely. It is not anticipated any amendments to be made as a result of this review would require an Equality Impact Assessment.

8.5.3 Section 5 of the Licensing Act 2003 requires the Licensing Authority to publish a Statement of Licensing Policy. Section 5(3) of the Act specifies those who must be consulted on the Policy and subsequent Policy reviews.

8.5.4 Under the Duty we must have regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Act.

- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

8.5.5 An initial equality assessment relating to the Interim Statement of Licensing Policy 2020 has been prepared (appendix D).

No specific issues have been identified that would adversely impact on our commitment to our duties under the Equality Act 2010.any specific protected character

8 Appendices

- A Interim Statement of Licensing Policy 2020
- B Joint Authority Letter
- C Consultation Responses
- D Equality Assessment
 - EQUA589 Interim Statement of Licensing Policy 2020

9 Background Documents

- 9.1 Licensing Act 2003
- 9.2 Revised guidance issued under section 182 of Licensing Act 2003

BIRMINGHAM CITY COUNCIL

INTERIM STATEMENT OF LICENSING POLICY 2020

Birmingham City Council ("the Council") is required to publish this Statement of Licensing Policy ("Policy") under the Licensing Act 2003 ("the Act").

Legal Background

Section 5 of the Act requires each Licensing Authority to publish, every five years, a Statement of its Licensing Policy.

This Policy is the Council's Statement of Licensing Policy which will come into effect on 3rd December 2020 and will be reviewed, updated and modified as and when the Council considers appropriate.

Technical amendments to correct errors brought about by legislative or other administrative change (such as change of address details or references to Guidance) will be effected by officers of the Licensing and Public Protection Committee and tracked by way of version control.

Amendments or reviews of the Policy itself must be approved by City Council.

Version control

Version	Date	Effective Date	Reason	Summary
1.0	July 2015	July 2015	Full review (City Council)	Fully Revised Policy
1.1	Dec 2016	01.01.2017	Substantive change (City Council)	Additional Cumulative Impact Areas Revised Responsible Authority Details
2	October 2020	December 2020	Review (City Council)	Reviewed Policy. Removal of CIP areas pending full CIA Inserted 6.7.1 following consultation

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1. Licensing Act 2003 Guidance

- 1.1. In accordance with Section 182 of the Act the Secretary of State has produced Amended Guidance for Licensing Authorities (the Council) regarding the discharge of their functions. This guidance is regularly reviewed and updated. For the most recent version, go to www.gov.uk.
- 1.2. No part of the Act compels the Licensing Authority to follow the guidance explicitly. The Council may and will depart from the Guidance and this policy where it is deemed appropriate to promote one or all the licensing objectives.

2. Scope

- 2.1 This Policy relates to those licensable activities identified by the Act, which are:

- The sale of alcohol by retail.
- The supply of alcohol to club members and their guests.
- The provision of regulated entertainment. "Regulated entertainment" is defined as any of the following which take place in the presence of an audience for the entertainment of that audience and are provided for members of the public or a section of the public or exclusively for the members of a qualifying club and/or their guests or for consideration and with a view to profit:
 - A performance of a play.
 - An exhibition of a film.
 - An indoor sporting event.
 - A Boxing or wrestling entertainment.
 - A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports")
 - A performance of dance.
 - A performance of live music.
 - Any playing of recorded music.
 - The provision of late night refreshment. (Late night refreshment is defined under the Act as the supply of hot food or drink to the public or a section of the public on or from any premises whether for consumption on or off the premises (mobile units included) between 11pm and 5am.)

- 2.2 There are certain exemptions from this definition which are set out in the Act, particularly in relation to plays, indoor sporting events and performances of dance. These exemptions are detailed within APPENDIX 1 to the Policy.

3. Background

- 3.1 The Council has responsibility for granting licences for the sale by retail of alcohol, the supply of alcohol by or on behalf of a club or to the order of a member of the club, the provision of regulated entertainment and the provision of late night refreshment establishments (including late night takeaways) throughout its area.
- 3.2 Birmingham is the second city of the United Kingdom and this is reflected in the fact that the city has a thriving night time economy. The city has a multicultural population of 1,141,400 people live in Birmingham (according to the 2018 mid-year population estimates).and is part of the West Midlands Conurbation which, is the largest conurbation in the United Kingdom after Greater London. Birmingham is a prominent entertainment destination for people living in the conurbation and many areas beyond.

4. Development Process

- 4.1 This document has been developed by the Council in consultation with representatives of the following key stakeholder groups and organisations:
- West Midlands Police.
 - West Midlands Fire Service.
 - Bodies representing holders of premises licences, club premises licences and personal licences in the Council's area.
 - The Birmingham Magistrates Court Service.
 - Bodies representing local businesses.
 - Representatives of the Council's Planning, Environmental Health, and Trading Standards Services.
 - Trade Associations.
 - Independent licence holders.
 - Local residents.
 - Birmingham Safeguarding Children Board.
 - Members of the Council's Licensing and Gambling Forum.
 - Public Health
- 4.2 Any views of the parties consulted have been given proper weighting.

5. Licensing Objectives

- 5.1 This Policy has been developed with the licensing objectives, as stated in the Act, at its core, namely:
- **The prevention of crime and disorder.**
 - **Public safety.**
 - **The prevention of public nuisance.**
 - **The protection of children from harm.**
- 5.2 Each of the licensing objectives is considered to be of equal importance for the purposes of this Policy.
- 5.3 Each application for the grant, variation or review of a licence will be considered and determined on its individual merits.
- 5.4 This Policy concerns the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to the licence or other authorisation issued under the Act will be focused on matters within the control of the licensee or other person who is granted the licence or authorisation and will be centred on and around the premises or place(s) being used for licensable activities and the vicinity of those premises and places.

6. Relationship with other Legislation

- 6.1 The Council will avoid in so far as is possible duplication with other regulatory regimes and legislation. It will, in appropriate circumstances, attach conditions to premises licences and club premises certificates to the extent that they are appropriate for the promotion of the four licensing objectives but will not attach conditions where provision exists in other legislation, e.g. planning or health and safety legislation. However, it may be appropriate to attach specific conditions where legislation does not cover the unique circumstances that arise in connection with entertainment at specific premises.
- 6.2 This Policy takes into consideration the crime and disorder initiatives being implemented by the Council in partnership with other enforcement or regulatory agencies. The Council will strive to support these initiatives by implementing this Policy, which promotes and encourages a responsible approach to the sale of alcohol, late night refreshment and the provision of entertainment.
- 6.3 The Council maintains that its function as the Licensing Authority concerns the control of licensable activities, licensed premises and licence holders. The Council will attach such conditions to licences as are appropriate to promote the licensing objectives.
- 6.4 This Policy is concerned with individuals and behaviour on or in the vicinity of licensed premises and, therefore, within the control of the individual holding the relevant licence or authorisation. It is not a mechanism for the general

control of anti-social behaviour by individuals.

- 6.5 In implementing this Policy the Council will have regard to the provisions of the Human Rights Act 1998.

6.6 **Equality**

The Council recognises the right to freedom of speech and would not intervene in this matter, when discharging its licensing functions, unless to do so would be appropriate to promote one or all of the licensing objectives. Holders of premises, club or personal licences / certificates should be aware of the potential for some organisations to have an influence on or advocate illegal activity that would be in direct contradiction of the spirit of the licensing objectives.

- 6.7 The Council may, following representations from responsible authorities or other persons and based on evidence, seek to prohibit certain types of meetings or gatherings at licensed premises or clubs by attaching conditions in order to promote the licensing objectives, in particular the prevention of crime and disorder and the promotion of public safety.

6.7.1 **The Equality Act 2010**

The council is committed to: seeking to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, fostering good relations between people who share a protected characteristic and those who do not.

It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:

- Age
- Being or becoming a transsexual person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation.

In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example discrimination will be experienced if access to the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at <https://www.gov.uk/guidance/equality-act-2010-guidance>

Public Sector Equality Duty

The Equality Act 2010 also requires the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics. Each application will be considered with this in mind.

The council cannot enforce the Act but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the council, we advise the complainant of their rights under the Equality Act.

Further guidance on how the Equality Act affects pubs is available from the British Beer and pub association. <http://beerandpub.com/wp-content/uploads/2019/11/BBPA-An-Open-Welcome-Making-your-pub-accessible-for-customers.pdf>

6.8 Licensing Hours

The Council's view, having considered the Act and having had regard to the Guidance under section 182, is that the Act neither promotes nor discourages extended licensing hours. For that reason the Council will approach each application on its own individual merits having regard to the representations received, the Guidance and this policy, and with the aim of properly promoting the licensing objectives, which it recognises are paramount considerations. The Council will not apply core hours to any area of the city.

- 6.9 Shops and supermarkets will normally be free to provide sales of alcohol for consumption off the premises at any times when they are open for shopping unless the Council has good reasons for restricting those hours such as where there have been Police representations in the case of shops known to be a focus of crime, disorder and/or disturbance. The Council may consider any other matter that it considers relevant to the promotion of the licensing objectives.

6.10 Licensing and Planning

The Council is of the view that the Licensing Authority is not bound by decisions made by the Planning Authority and vice versa. While the two authorities consider different (albeit related) matters, the Licensing Authority must ensure it addresses only the licensing objectives to ensure that any hearing does not in effect become a re-run of any planning hearing.

- 6.11 There may be occasions when licensing hours are different from hours granted by the Planning Authority, or vice versa. In such situations the licence holder must observe the earlier closing time. The responsibility for enforcement will rest with whichever body within the Council granted the

earlier terminal hour.

6.12 The Licensing Authority of the Council will ensure that there is proper integration with the Planning Authority by providing it with regular reports on the situation regarding licensed premises in the area. This will include the general impact of alcohol related crime and disorder and the impact of public nuisance caused by licensed premises.

6.13 Paragraph 9.44 of the Amended Guidance states:
“Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”

6.14 **Integrating Strategies**

The Council recognises that a minority of consumers will behave badly and unlawfully once away from licensed premises. The Council cannot as part of its licensing function address issues relating to the behaviour of individuals or groups once they are away from licensed premises, although it can address issues within the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. The Council also recognises that initiatives are available that assist with calming or reducing the incidence of disorder and would expect these to be addressed in the operating schedule. Measures outside of the Council’s licensing functions available for addressing behavioural issues include:

- Planning controls.
- Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other services provided by the Local Authority.
- Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

6.15 The Council will secure the integration of its licensing function with other local strategies by supporting partnership working with other agencies and Council services and by establishing best working practice utilising some of the initiatives available to the Licensing Service and Licensing and Public Protection Committee such as.

- The continued use of designated alcohol restricted areas (Designated Public Place Orders).

- Sharing information.
- Targeting premises in areas where nuisance, breaches of conditions and contraventions of legislation occur.
- Promoting the Challenge 25 proof of age scheme or recognised equivalent.
- Restricting hours of operation of licences, where appropriate, in areas where alcohol fuelled disorder or nuisance is prevalent (EMRO).
- Assisting in the establishment of an information monitoring system, with the Police, in order to identify premises that are disregarding their responsibilities. This will assist in collating information in order to identify premises where arrested or detained persons last purchased alcohol or the premises they were allowed to purchase alcohol to a state of inebriation.
- Adopting a multi-agency approach to announced and unannounced inspections and visits to those premises defined as being high risk or through intelligence led action.
- Continuing to promote the setting up and use of safe places for transport. Liaison with transport agencies to improve signage, lighting and awareness of availability. The use of stewards/marshals at regular pick up points to assist with order and prevent disputes will continue to be supported.

6.16 **Public Health**

6.16.1 The Council recognises the impact of alcohol misuse in Birmingham. It is hoped that through the implementation of this Licensing Policy the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol misuse in the city and reducing harmful and hazardous drinking, and will be a vehicle for addressing the wider and social determinants of health especially children's safeguarding . It will also have a positive effect on pricing, the promotion of treatment services; including screening and advice, marketing controls, availability controls, legal drinking age enforcement, reinforcing drink driving laws and server liability. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems.

6.16.2 The inclusion of off-licence premises within cumulative impact zones will reduce the opportunity for pre-loading, access to cheap alcohol and super strength, on-street drinking, especially in underage and vulnerable groups. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse, which is an issue for any city.

6.16.3 Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels, especially the enforcement of no sales to the intoxicated. However, it is recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function under the Act to promote the Licensing Objectives.

7. Enforcement Protocol

- 7.1 The City Council has developed a protocol for enforcement and will continue partnership working with other enforcement agencies to promote a consistent approach between them. The protocol will encompass a strategy of targeting high-risk premises and will ensure intelligence led policing and regulation. The protocol will actively promote inspections of licensed premises which have been found, following risk assessment, to be problematic or high risk.
- 7.2 The Council will actively seek to advise the licensees or managers of those premises who wish to comply with legislation and conditions; however, the Council will take a firm stand against irresponsible licensees who do not comply.
- 7.3 The Council, the Police and other responsible bodies will share information about licensees, licensed premises and activities associated with them. Such information sharing is permitted under Section 185 of the Act. Further open access to data will be given to those Police Officers and Licensing Authority Officers discharging their functions under this Act.
- 7.4 The Council and the Police will work closely in order to ensure consistency, transparency and proportionality in their enforcement activities. The Council will continue to investigate complaints and conduct proactive enforcement exercises to ensure that licences and the conditions attached to them are complied with and that unlicensed activity is dealt with as appropriate to ensure the highest standards of licensees and premises in the City of Birmingham.
- 7.5 Closure notices can be issued by a Police officer of the rank of Inspector or above in relation to crime and disorder.
- 7.6 The Council's Licensing Enforcement team is authorised to act as the Responsible Authority on behalf of the Licensing Authority which includes responsibility for considering applications for new /varied authorisations or for licence reviews.

8. The Licence Process

- 8.1 Further guidance for applicants for a licence or other authorisation under the Act and details about the application and licensing process can be obtained from; the Licensing Service website at www.birmingham.gov.uk/licensing on 0121 303 9896 or via licensing@birmingham.gov.uk
- 8.2 The Policy of the Council will be to:
- promote the four licensing objectives;
 - ensure that the premises are appropriate for their proposed use;
 - ensure the premises layout and condition is acceptable for the proposed use; and
 - ensure that the premises are being managed responsibly.

8.3 **Operating Schedule**

All applicants for the grant or variation of a **premises licence or club premises certificate** are required to provide an operating schedule as part of their application. The operating schedule will be in a prescribed form and must include a statement of the following:

- Full details of the licensable activities to be carried on at and the intended use of the premises.
- The times during which the licensable activities will take place.
- Any other times when the premises are to be open to the public.
- Where the licence is only required for a limited period, that period.
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.
- Whether alcohol will be supplied for consumption on or off the premises or both.
- The steps which the applicant proposes to promote the licensing objectives. (examples of which can be found within paragraphs 18 to 21 of this Policy)

8.4 Any steps proposed by an applicant, and the extent to which they apply will depend on the individual premises, the proposed events /activities and the characteristics of the premises, the surrounding area, and to an extent, the history of the premises or applicant.

8.5 The Council's powers and duties as Licensing Authority are delegated by the Council to its Licensing and Public Protection Committee, Licensing Sub-Committees and officers. The Council approaches these delegations in accordance with APPENDIX 2 to this Policy.

8.6 Every application received whether for the issue of a personal or premises licence will be treated fairly and will be considered on its own merits. If no relevant representations are received then the licence will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory under the Act or are consistent with the operating schedule accompanying the application.

8.7 **Representations**

Where relevant representations are made regarding a particular application for the grant, variation or review of a premises licence the Council will consider the likely impact that the proposed use of the premises will have on promotion of the licensing objectives.

8.8 Representations which are made outside of the period prescribed by the Secretary of State or are, in the Council's opinion, frivolous or vexatious will not be considered by the Council as relevant representations.

8.9 Where relevant representations are made, a hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee (as

appropriate) and the application will be determined once the application and representations have been considered.

8.10 The Council will determine the application using and considering supporting evidence from the applicant and any parties who have made representations.

8.11 Any decision of the Council will be relayed to the applicant as soon as is practicable and in writing.

8.12 **People or organisations that can make representations**

Any responsible authority and/or other person is entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates or the grant of a provisional statement, regardless of their geographic proximity to the premises, and to make applications for the review of such authorisations.

“Other person” is defined as any individual, body or business including a member of the relevant licensing authority

"Responsible authority" is defined as:

- a) The Chief Officer of Police within which the premises are situated;
- b) the Fire Authority within which the premises are situated;
- c) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 in which the premises are situated;
- d) the local Planning Authority within which the premises are situated;
- e) the Local Authority for which statutory functions are exercisable in relation to minimising or reducing the risk of pollution to the environment or harm to human health in which the premises are situated;
- f) a body which:
 - (i) represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and
 - (ii) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;
- g) any Licensing Authority (other than the Council) in whose area part of the premises is situated;
- h) in relation to a vessel:
 - (i) a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be navigated at a time when it is used for licensable activities;
 - (ii) the Environment Agency;
 - (iii) the British Waterways Board;
 - (iv) the Secretary of State; or
 - (v) a person prescribed for the purposes of this subsection.

- i) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,
- j) the relevant licensing authority and other licensing authority in whose area part of the premises is situated

[LA2003 13(4) (as amended)]

8.13 **Making Representations:**

Representations may be made in relation to the following applications:

- Grant of Premises Licence
- Grant of Club Premises Certificate
- Variation of Premises Licence
- Variation of Club Premises Certificate
- Minor Variation of Premises Licence
- Minor Variation of Club Premises Certificate

8.14 Representations are not limited to objections to licence applications but may also be made in support of applications. They will still be governed by the same rules as for objections.

8.15 Representations will not be accepted if they are deemed by officers to be frivolous or vexatious.

8.16 Representations may not be made anonymously. If a person believes there are exceptional circumstances relating to the disclosure of their identity, they are advised to contact the Licensing Service for advice.

8.17 **Petitions**

The petition must meet the following minimum requirements:

- It must be clear to which premises/application the petition relates.
- The petition must relate to one or more of the licensing objectives.
- Each page must include information as to the purpose of the petition (so it is clear signatories were aware what they were signing.)
- Full Names and addresses must be supplied, in a legible manner.
- It should be made clear to all signatories that a copy of the petition, containing their details will be passed to the applicant and contained within the Committee papers, which, in the event of a hearing become public documents.
- The first named respondent is taken to be the instigator of the petition, and will be used as the point of contact in terms of any queries about the petition.
- The first named respondent will be expected to represent the signatories at a hearing and to communicate any information to other signatories as appropriate – the Council will NOT contact each signatory as if they were making individual representations.

- The Council reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate.
- Petitions regarding Licensing Act 2003 applications **MUST** be submitted in accordance with the existing rules for licence representations, to the offices of the Licensing Service in Aston, (contrary to the City Council's guidance relating to petitions of any other kind). They should **NOT** be sent to individual officers.
- Petitions submitted to an Elected Member or via City Council Meeting are conferred no advantage, and risk unnecessary delay of submission.

8.18 A petition must be submitted in good faith. **You must not include:**

- potentially libellous, false or defamatory statements
- matters which are subject to prescribed statutory requirements
- information protected by a court order (e.g. the identities of children in custody disputes); or in accordance with any other enactment
- matters which are subject to appeal processes or legal actions (e.g. planning appeals, enforcement action or other legal actions in court etc)
- material which is commercially sensitive, confidential or which may cause personal distress or loss
- the names of individual officials of public bodies
- the names of individuals, or information where they may be easily identified, in relation to criminal accusations
- anything which would incite racial hatred or violence

8.19 Where it is reasonably anticipated that the expression of such beliefs, views, policies or objectives might be unlawful, the Council reserves the right to prevent by any means those views/beliefs from being expressed either on its premises or by using Council resources.

8.20 Anyone contemplating drawing up a petition either in support of or objection to a licence application is strongly advised to contact the Licensing Service for advice on the format before obtaining signatures.

8.21 Provisional Statements.

An application for a **provisional statement** shall be considered, subject to the provisions of the Act.

9. Licence Reviews

- 9.1 The Council may review a licence on the application of any responsible authority or other person.
- 9.2 The Licensing Authority can refuse to review licences if it considers that the representations are not relevant to any of the licensing objectives or, in the case of a representation made by an other person, that the representation is frivolous, vexatious or a repetition of a representation already made at the time of the licence application or previous application for review.
- 9.3 The outcome of a review may be no action, warnings regarding future conduct, additional conditions or the modification, suspension for a period not exceeding 3 months or revocation of the licence, the exclusion of a licensable activity from the scope of the licence, the removal of the designated premises supervisor.

9.4 Summary (Expedited) Licence Reviews.

The Summary Review procedure was effected by Section 53A-C of the Licensing Act 2003 inserted by section 21 of the Violent Crime Reduction Act 2006, which allows a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

9.5 Interim Steps:

The Licensing Sub Committee shall determine, by email, telephone (or in such other manner as may be deemed appropriate by the Committee Services Manager or by the Solicitor to the Council), whether it is necessary to take interim steps pending determination of the premises licence the subject of an application and a certificate issued by a Senior Police Officer stating that in his/her opinion named premises are associated with serious crime or serious disorder (or both) (the requirements of the Local Government Act 1972 concerning the giving of notice of meetings will not apply).

- 9.6 Following a determination of interim steps, the licence will be subject to review, which will be heard in the usual manner.

10. **Open Space Premises Licences**

The Council has applied for and been granted a number of premises licences for public spaces, such as parks and other municipal areas, within the city. Performers and entertainers who wish to give performances in such places may seek the permission of the Council, as licence holder, to do so. Such permission should be sought at least 3 months in advance of the event as the applicant will in most cases be required to participate in a Safety Advisory Group (SAG) before the Council approves the event.

11. **Vicinity**

The Council has chosen not to define vicinity as a fixed distance in relation to any premises. Instead its approach will be to consider each matter individually, taking into account whether any individual's residence or business is likely to be directly affected by activities which occur on the premises or immediately outside it. The key consideration is the impact of issues on the licensing objectives.

12. **Temporary Event Notices**

12.1 **Standard TENS**

It is recommended that an applicant for a temporary event notice should give at least 28 days prior notice of their intended event and that at the same time of submitting their application to the Council they serve notice to the Police and Environmental Health. Section 100 of the Act stipulates a period of at least 10 working days, prior to the event for an application to be submitted. The Council agrees with the Guidance that 10 working days notice means 10 working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

12.2 There are strict limits on the number of TENS which can be submitted. Once these limits have been reached, the Council will issue a counter notice (permitted limits) if any more are given.

12.3 In the event of a valid objection to a Standard TEN, a sub-committee hearing will be held to determine the notice. Further guidance is available online.

12.4 **Late TENS**

Late TENS can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Council, must also be sent by the premises user to the police and environmental health. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. There are strict limits on the number of Late TENS which can be submitted. Once these limits have been reached, the Council will issue a counter notice (permitted limits) if any more are given.

12.5 In the event of a valid objection to a Late TEN, there will be no hearing. A counter notice will be issued. This is in accordance with the legislative

requirements. Further guidance is available online

- 12.6 Notwithstanding the mandatory notifications already included within the legislation, the Council highly recommend that anyone contemplating putting on an event should contact West Midlands Fire and Rescue Service for advice relating to matters concerning fire safety.

13. Personal Licences

- 13.1 All applicants for the grant of a **personal licence** will be required to undertake a criminal record check. Where a criminal record check discloses an unspent relevant conviction (see schedule 4 of the Licensing Act 2003) and the Police object to the application on crime prevention grounds the Licensing and Public Protection Committee or Sub-Committee shall normally refuse such an application unless there are exceptional and compelling circumstances to justify the granting of a licence.
- 13.2 If there have been Police representations in relation to the individual specified in the application for a premises licence, club premises certificate or authorisation as the designated premises supervisor then the Council may consider any factors relating to that individual which would undermine the licensing objective relating to the prevention of crime and disorder. This could include the previous character of the individual, the individual's experience and training and their ability to monitor the premises at all times when they are open.

14. Cumulative Impact

- 14.1 The cumulative impact of licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people, and thereby creating exceptional problems of crime, disorder and nuisance over and above the impact from the individual premises themselves.
- 14.2 A Cumulative Impact Policy requires a Cumulative Impact Assessment (CIA) to be carried out. A cumulative impact assessment helps to inform the statement of licensing policy with the aim of limiting the number of licence applications granted where there is evidence to show that the number of licensed premises in a particular area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 14.3 There is no current cumulative impact assessment in effect. When carrying out such an assessment reference shall be made to the steps outlined in the s182 Guidance.
- 14.4 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

- 14.5 The effect of a special policy is to create a rebuttable presumption that applications for new licences/certificates or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.
- 14.6 The Council recognises that any special policy regarding cumulative impact is not absolute and where licences will not add to the cumulative impact, or where no relevant representations have been received, the licence will be granted.
- 14.7 A special policy regarding cumulative impact will not be used to attempt to revoke an existing licence or certificate. When representations are made about the way a premises is being operated then they would be considered and determined in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application to vary a licence or certificate. The Council recognises the difference between cumulative impact and the commercial needs of premises in an area. Need and market forces are not matters for the Council to consider as part of its licensing function.
- 14.8 The Council will not operate a quota of any description. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community.

15. Early Morning Restriction Orders

- 15.1 The ability to implement an Early Morning Restriction Order or 'EMRO' is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011 ("the 2011 Act"), which enables licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between midnight and 6am on all or some days. Licensing authorities are able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. It should be noted that the restriction would only relate to alcohol and will have no effect on regulated entertainment.
- 15.2 The Council has no plan to implement any EMROs at the time of writing this policy.
- 15.3 Any decision to implement an EMRO would be made by the Licensing and Public Protection Committee.

16. Late night levy

- 16.1 The power to implement a late night levy is also within the 2011 Act. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

- 16.2 Any levy would have to apply to the entire Local Authority area.
- 16.3 The Council has no plan to implement a Late Night Levy at the time of writing this policy.
- 16.4 Any decision to implement a late night levy would require consultation with the Police and Crime Commissioner and Chief Officer of Police, as well as much broader consultation. Such a decision would be made by the Full Council.

17. Conditions of Licence

- 17.1 The Council will endeavour to tailor conditions to the premises concerned and there is also a pool of model licensing conditions that may, in appropriate circumstances, be attached to a licence or certificate depending upon the individual styles and characteristics of the premises and events concerned. This pool of conditions will be utilised to apply appropriate and proportionate conditions in particular circumstances. The pool of conditions is not an exhaustive list and the Council may attach any conditions that are appropriate for the promotion of the licensing objectives.
- 17.2 The Council cannot not impose standardised conditions on any licence or certificate other than those prescribed by law (Mandatory Conditions).

18. The Prevention of Crime and Disorder

- 18.1 It should be noted in particular that it is unlawful under the 2003 Act:
- to sell or supply alcohol to a person who is drunk;
 - to knowingly allow disorderly conduct on licensed premises;
 - for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported;
 - to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are, therefore, unnecessary.

18.2 General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when the Licensing Authority are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if appropriate, would promote the prevention of crime and disorder.

- 18.3 Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.
- 18.4 Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

18.5 Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance.

18.6 Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step they intend to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition they become enforceable under the law and a breach of such a condition could give rise to prosecution.

18.7 **Drinks and Irresponsible promotions**

18.7.1 Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks.

18.7.2 Licence holders should undertake all reasonable steps to ensure staff do not engage in, arrange or participate in irresponsible drinks promotions.

18.7.3 Mandatory conditions now apply to irresponsible promotions that includes: drinking games, large quantities of alcohol for a fixed price, posters and flyers that encourage anti-social behaviour or glamorise this sort of activity and if there is a significant risk that these do not promote the licensing objectives.

18.8 **Text pagers**

18.8.1 Text and radio pagers connecting premises licence holders, designated premises supervisors managers of premises clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers and staff on the premises.

18.8.2 Such pagers provide two-way communication both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the Police and enabling the Police to warn those operating a large number of other premises of potential troublemakers or individuals suspected of criminal behaviour that are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and club employees to warn each other of the presence of such people in an area.

18.9 **Door supervisors**

18.9.1 Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and

- maintaining orderly queuing outside of venues prone to such queuing.

18.9.2 Where door supervisors are conducting security activities there will be a condition attached which means that they would have to be registered with the Security Industry Authority.

18.9.3 Conditions may also be needed to deal with the number of door supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

18.9.4 Door supervisors also have a role to play in ensuring public safety.

18.10 **Bottle bans**

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, responsible authorities and licensing authorities should note that many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of bottled drinks with drugs because the opening to a bottle can be more readily covered. These issues, therefore, need to be carefully balanced.

18.11 **Plastic containers and toughened glass**

18.11.1 Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass during the televising of live sporting events such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

18.11.2 It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

18.12 **CCTV**

18.12.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. Conditions should not just consider a requirement to have CCTV on the premises but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

18.12.2 The Police may provide advice on the use of CCTV to prevent crime to those individuals conducting risk assessments when preparing operating schedules.

18.13 **Open containers not to be taken from the premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

18.14 **Restrictions on Drinking Areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the Police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas but indicate the circumstances in which the ban would apply and times at which it should be enforced.

18.15 **Capacity limits**

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

18.16 **Wind-Down Policies**

Consideration of implementing a period of lower volume, lower tempo music before closing to facilitate customers leaving in a calmer, quieter manner.

18.17 **Large Capacity Venues for “Vertical” consumption of alcohol HVVDs**

18.17.1 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs) are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

18.17.2 It may be necessary to attach conditions to licences for these premises which require adherence to a prescribed capacity, an appropriate ratio of tables and chairs to customers based on capacity and the presence of security staff to control entry for the purposes of compliance with the capacity limit.

18.18 Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

18.19 Signage

18.19.1 It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

18.19.2 Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

19. PUBLIC SAFETY

19.1 The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks from fire, and take measures necessary to avoid and control them.

19.2 Conditions enforcing these requirements are, therefore, unnecessary.

19.3 From 1 October 2006, the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under Article 43 of the Order, any conditions imposed by the Licensing Authority that relate to any of the requirements or prohibitions that are, or could be, imposed by the Order have no effect.

19.4 General

19.4.1 In addition, to considering the points made in this section, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (Entertainment Technology Press – ABTT Publications) ISBN 1 904031 11 0.
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6.
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X.
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804.
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2.
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.

19.4.2 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

19.5 **Disabled people**

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

19.6 **Escape routes**

19.6.1 It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

19.6.2 In certain premises where existing legislation does not provide adequately for the safety of the public consideration might also be given to conditions that ensure that:

- All exits doors are easily openable without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any security fastenings are removed prior to the premises being open

- to the public; and
- the edges of the treads of steps and stairways are maintained so as to be conspicuous.

19.7 **Safety checks**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

19.8 **Curtains, hangings, decorations and upholstery**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits; and
- Temporary decorations are not used without the consent of the Licensing Authority.

19.9 **Accommodation limits**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

19.10 **Access for emergency vehicles**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

19.11 **First aid**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of first aid equipment and materials is

available on the premises.

- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

19.12 **Lighting**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Emergency lighting is not altered.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged;
- and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

19.13 **Temporary electrical installations**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work and/or prior to inspection by a suitably qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or, where applicable, BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

19.14 **Indoor Sports Entertainments**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved it is constructed and supported by a competent authority.

- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

19.15 **Special Effects**

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

19.16 **Alterations to the Premises**

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises.

19.17 **Theatres and Cinemas (Promotion of Public Safety)**

In addition to the points made in the above there are particular matters in the context of public safety which should be considered in connection with theatres and cinemas.

19.17.1 **Premises used for Closely Seated Audiences**

19.17.2 **Attendants**

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members in the audience present on a floor	Minimum No. of attendants required to be present on a floor
1 to 100	1
101 to 250	2
251 to 500	3
501 to 750	4
751 to 1000	5

And one additional attendant for each additional 250 persons (or part thereof).

- (b) Attendants shall not be engaged in any duties that would prevent them from promptly discharging their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

19.17.3 **Standing and Sitting in Gangways etc**

19.17.4 Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

19.17.5 Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

19.17.6 In no circumstances shall anyone be permitted to:

- (i) sit in any gangway;
- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

19.17.7 **Drinks**

Except as authorised, by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

19.17.8 **Balcony Fronts**

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

19.17.9 **Special effects**

19.17.10 Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

19.17.11 Specials effects include:

- Dry ice machines and cryogenic fog.
- Smoke machines and fog generators.
- Pyrotechnics, including fireworks.
- Real flame.
- Firearms.

- Motor vehicles.
- Strobe lighting.
- Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products).
- Explosives and highly flammable substances.

19.17.12 In certain circumstances it may be necessary to require that certain special effects are only used with the prior consent of the Licensing Authority. In these cases the Licensing Authority should notify the Fire and Rescue Authority who will exercise their powers under the Regulatory Reform (Fire Safety) Order 2005.

19.17.13 **Ceilings**

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection is necessary and a certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

19.17.14 **Seating**

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

19.18 **Premises used for Film Exhibitions**

19.18.1 **Attendants - premises without a staff alerting system**

Where the premises are not equipped with a staff alerting system the number of attendants present should be as follows:

- Number of members of the audience present on the premises 1 to 250, minimum number of attendants required to be on duty 2.
- And one additional attendant for each additional 250 members of the audience present (or part thereof).
- Where there are more than 150 members of an audience in any auditorium or on any floor at least one attendant shall be present in any auditorium or on any floor

19.18.2 **Attendants – with a staff alerting system**

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members in the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency

1 to 500	2	1
501 to 1000	3	2
1001 to 1500	4	4
1501 or more	5 (plus 1 per additional 500 [or part thereof] persons over 2000 on the premises)	5 (plus 1 per additional 500 [or part thereof] persons over 2000 on the premises)

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he/she is required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

19.18.3 **Minimum Lighting**

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

20. **The Prevention of Public Nuisance**

20.1 It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior Police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

20.2 **General**

20.2.1 When applicants for premises licences or club premises certificates are

preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a Responsible Authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

20.2.2 Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

20.2.3 Appropriate conditions for licences and certificates will also depend on local knowledge of the premises.

20.3 **Noise**

20.3.1 Where relevant representations are received the Council may have regard to nuisance caused by noise from licensed premises or noise attributable to it and may require prevention measures to be implemented by licence and certificate holders. Details of these measures must be highlighted as part of the operating schedule accompanying the application. The Council may consider the direct impact of a premises licence or club premises certificate on those persons living or working in the area concerned. The Council may require stricter conditions in areas which are primarily of a residential nature.

20.3.2 The Council also recognises that Birmingham is a diverse city containing many areas of mixed use where residents live alongside commercial and entertainment developments. The Council expects applications in such areas to properly address noise control and may impose stricter conditions where there is a dense residential population in close proximity to the premises.

20.3.3 The Council may limit opening hours or restrict licensable activities if appropriate in relation to noise nuisance, but will not do so without regard to the individual merits of any application.

20.3.4 Applicants are expected to consider measures which could be implemented in order to mitigate or remove any potential nuisance from their premises. Examples include:

- ensuring noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- measures to ensure that music will not be audible above background

- level at the nearest noise sensitive location;
- undertaking routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if appropriate);
- Prominent, clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- Restrictions on the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas.
- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

20.4 **Noxious smells**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

20.5 **Light pollution**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places

20.6 **Hours**

20.6.1 The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

20.6.2 Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example the playing of recorded music after a certain time might be prohibited even though other licensable activities are permitted to continue.

20.6.3 Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example while the

provision of regulated entertainment might be permitted while the premises is open to the public, or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

20.7 Fly posting and Promotional Material

20.7.1 As a leading entertainment centre Birmingham often faces the widespread problem of illegal or nuisance fly posting, and littering from promotional material. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

20.7.2 Existing legislation seeks to address this problem, however, it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting which occurs.

20.7.3 The Council expects responsible licence holders to ensure the licensing objectives are properly promoted when advertising regulated entertainment at their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or ~~result in criminal offences~~ give rise to crime and disorder.

20.7.4 Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material: and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged.

20.8 Live Music, Dancing and Theatre

The Council recognises that proper account must be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods must be carefully balanced with these wider benefits.

21. The Protection of Children From Harm

21.1 It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

21.2 In addition, it is an offence to permit the presence of children under 16 who

are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

21.3 Conditions duplicating these provisions are, therefore, unnecessary.

21.4 Applicants for a premises licence will be expected to set out in the operating schedule accompanying their application a statement of the measures that they will take to protect children from harm.

These measures should include:

- Arrangements to prevent children from acquiring or consuming alcohol;
- Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol;
- Steps to prevent children from being exposed to drugs, drug taking or drug dealing; Arrangements to prevent children from being exposed to gambling;
- Steps to prevent children from being exposed to entertainment of an adult or sexual nature; Steps to prevent children from being exposed to incidents of violence or disorder;
- Measures to prevent children from being exposed to environmental pollution such as excessive noise;
- Measures to prevent children from being exposed to special hazards such as falls from height; Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- Restrictions on the access by children to the whole or any part of the premises, including times when children may not be present;
- Means for ensuring that nominated persons supervising children are suitable. To include training in supervising adults in safeguarding principles and where necessary disclosure from the Disclosure and Barring Service.

21.5 The Council will not impose any condition which requires licensed premises to allow access by children.

21.6 The Council will not limit or exclude access of children to any premises unless it considers it necessary to do so for the prevention of harm to them. Where the Council determines that there is a risk of harm to children in relation to particular premises it may exclude or limit the access of children to the premises at specific times, or when certain activities are taking place, or may attach to the licence a condition that children/young persons must be accompanied by an adult.

21.7 Issues of concern may include:

- where the entertainment or services provided on the premises are commonly of an adult or sexual nature;
- where any member of the current staff at the premises has been convicted for serving alcohol to a minor or where there is a reputation

- for selling alcohol to underage drinkers; or
 - where there is a strong element of gambling on the premises or the premises has a known association or involvement with taking or dealing drugs.
 - For any premises with known associations (having been presented with evidence at a hearing) with heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
 - Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
 - for any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.
- 21.8 In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to premises.
- 21.9 An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm
- 21.10 The Council may, in appropriate circumstances, attach conditions to a licence in order to control entertainment specifically aimed at children or otherwise to ensure adequate supervision by adult staff. It may also set requirements regarding the appropriate number of adult staff to be present at the premises based on the number of children present.
- 21.11 The Council encourages licence holders and operators of licensed premises:
- (1) To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
 - (2) To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

21.12 Children in performances

21.12.1 There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968, as amended, set out requirements for children performing in a show.

21.12.2 However, if it is necessary to consider imposing conditions in addition to these requirements for the promotion of the protection of children from harm then the matters outlined below should be considered:

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Special effects** – it may be inappropriate to use certain special effects including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

21.13 Films

The Council will expect those premises exhibiting films to include in the operating schedule accompanying their application for a licence, details of the measures they propose to stop children who are under age from viewing age-restricted films which are classified by the British Board of Film Classification or by the Council itself.

21.14 Adult Entertainment

21.14.1 Where regulated entertainment provided on premises is commonly of an adult or sexual nature the Council may, where relevant representations are received, give appropriate consideration to whether to grant a premises licence when the premises are in the vicinity of:

- Residential Housing.
- Schools.
- Play Areas.
- Children's Nurseries or preschool facilities.
- Places of Religious Worship or Education.
- Historic Buildings.
- Tourist Attractions.
- Predominantly Family Shopping Areas.

- Community Facilities or Public Buildings e.g. youth clubs, libraries & sports centres.

21.14.2 In so far as it relates to the licensing objectives, and taking into account location, the Council may determine the nature of any external signage for premises providing adult entertainment. The Council will also expect that the entertainment occurring on the premises should only be visible to those who have chosen to go inside, regardless of the location.

21.14.3 The Council is especially concerned that premises providing adult entertainment promote the protection of children from harm objective and will expect operating schedules to address this by adopting strict entrance policies, security measures and staff training and management policies to ensure that this and the other licensing objectives are promoted.

21.14.4 The Council has resolved to adopt schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, in relation to lap dancing and other sexual entertainment venues and the Licensing and Public Protection Committee will have regard to its own Sexual Entertainment Venue Policy, as and when an application is made to operate a venue of this kind.

21.15 **Sale of Alcohol to Children**

21.15.1 The Council considers that the sale of alcohol to children, or supply of alcohol in the case of a club, is a particularly serious offence.

21.15.2 There has been considerable research on the detrimental impact in areas where alcohol is accessed by children, in particular with regard to health, crime and disorder and anti-social behaviour. The Council, therefore, expects all licence holders to set out in their operating schedules the measures and management controls in place to prevent alcohol being sold or served to children (other than in the limited circumstances permitted under the Act) and to demonstrate all reasonable precautions and due diligence to prevent sales to under age persons whilst trading.

21.15.3 The Council considers that 'Challenge 25' policies, where the individual attempting to purchase alcohol must prove he/she is 18 or over if he/she appears to be under 25, are in many circumstances an effective way of preventing the sale of alcohol to children.

21.15.4 The Council expects licensed premises to embrace this initiative and premises licensed for the sale or supply of alcohol, particularly off-sales, to display prominent signage informing customers that it is an offence to sell or allow the sale of alcohol to children, to buy or attempt to buy it on a child's behalf, and for children to buy or attempt to buy it themselves.

21.15.5 Where the Council is required to review a licence due to the sale of alcohol to children the presumption will be for the licensee to demonstrate what systems were in place to try and prevent the situation arising.

21.15.6 If the Licensing Sub-Committee are not persuaded that appropriate, reasonable steps were taken by the licensee then the committee will take action to ensure the licensing objectives are promoted and may suspend or even revoke the licence of the premises licence holder or remove the designated premises supervisor.

22. List of Responsible Authorities:

Applicants are required under the Act to send copies of their application to the following responsible authorities in the Birmingham area:

Licensing Authority	Birmingham City Council General Licensing Regulation & Enforcement P.O. Box 17831 Birmingham B2 2HJ licensing@birmingham.gov.uk
Operations Manager Licensing Enforcement	Birmingham City Council General Licensing Regulation & Enforcement P.O. Box 17831 Birmingham B2 2HJ licensing@birmingham.gov.uk
Chief Inspector of Weights and Measures	Trading Standards PO Box 16977, Birmingham B2 2AE tradingstandards@birmingham.gov.uk
Environmental Health	Environmental Health Pollution Team PO Box 16977, Birmingham B2 2AE pollution.team@birmingham.gov.uk
West Midlands Police	Birmingham Licensing Department West Midlands Police Lloyd House Colmore Circus Queensway Birmingham B4 6NQ bw_licensing@west-midlands.pnn.police.uk
West Midlands Fire Service	West Midlands Fire Service HQ 99 Vauxhall Road Nechells Birmingham B7 4HW firesafety.admin@wmfs.net

Planning Services	Planning & Development PO Box 28 1 Lancaster Circus Birmingham B1 1TU PlanningandRegenerationEnquiries@birmingham.gov.uk
Birmingham Children's Trust Protection of Children From Harm	Safeguarding Children & Licensing Birmingham Children's Trust 1 Lancaster Circus Ground Floor, Zone 02 PO Box 16895 Birmingham B2 2LD licensing@birminghamchildrenstrust.co.uk
Director of Public Health	Public Health Birmingham City Council 10 Woodcock Street Birmingham B7 4BH publichealth@birmingham.gov.uk
Home Office (Immigration Enforcement)	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Alcohol@homeoffice.gsi.gov.uk

Applicants seeking to licence a vessel are also required under the Act to send copies of their application to the following responsible authorities, in addition to those listed above:

Environment Agency	Environment Agency Midlands Regional Office 550 Streetsbrook Road Solihull B91 1QU
Canal & River Trust	Canal & River Trust Peel's Wharf Lichfield Street Fazeley Tamworth B78 3QZ

Deregulation of Schedule 1 Entertainment

Schedule 1 Category	Position
Plays	Deregulated between 0800-2300 for audiences up to 500
Dance	Deregulated between 0800-2300 for audiences up to 500 (Except certain performance of an adult nature)
Indoor Sport	Deregulated between 0800-2300 for audiences up to 1000
Live Music	Licensing suspended for amplified live music between 0800-2300 in on-licensed premises and deregulated in workplaces for audiences up to 500 (raised from 200 in Live Music Act 2012) (the Live Music Act 2012 already deregulated unamplified live music between 0800-2300 with no audience limitations)

These exemptions were created by virtue of the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 further to those already implemented by the Live Music Act 2012.

Guidance on both enactments has been produced by the Department for Culture Media and Sport.

DELEGATION OF FUNCTIONS REGARDING THE LICENSING ACT 2003

Subject	Sub Committee	Officers
Application for personal licence.	If a Police objection is made.	If no objection made.
Application for personal licence with relevant unspent convictions.	If a Police objection is made.	
Application for premises licence/ club premises certificate.	If a relevant representation is made.	If no relevant representations made.
Application for provisional statement.	If a relevant representation is made.	If no relevant representations made.
Application to vary premises licence/club premises certificate.	If a relevant representation is made.	If no relevant representations made.
Request to vary designated premises supervisor.	If a Police objection is made.	All other cases.
Request to be removed as designated premises supervisor.		All cases.
Application for transfer of premises licence.	If a Police objection is made.	All other cases.
Application for interim authorities.	If a Police objection is made.	All other cases.
Application to review premises licence/club premises certificate.	All cases.	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases.
Decision to object when Local Authority is a consultee and not the relevant authority considering the application.		All cases.
Determination of application to vary premises licence at community premises to include and alternative licence condition	If a Police objection is made.	All other cases.
Determination of a Police objection to a STANDARD temporary event notice.	All cases.	
Application for minor variation of premises licence/club premises certificate		All cases (for decision whether to consult other Responsible

		authorities and for Determination)
Determination of a Police / EH objection to a temporary event notice.	All cases except where objection requires inclusion of conditions from existing premises licence and applicant is in agreement	Where objection requires inclusion of conditions from existing premises licence and applicant is in agreement
Attachment of Conditions from existing premises licence to TEN	Where applicant objects to conditions	If applicant is in agreement
Issuing of Counter notice for STANDARD TEN	Following determination hearing	Where limits are exceeded
Issuing of counter notice for Late TEN		All cases
Suspension of licence for non payment of fees		All cases
Requests for a change to the film classification awarded by the BBFC	All cases	
Requests for classification of films where there is no BBFC classification	Where there is concern about the content of any film submitted or the proposed exhibition of the film	Where appropriate procedure is followed and no concerns as to content
Request for implementation of Early Morning Restriction Order	FULL Committee	
Request for imposition of Late Night Levy	Full City Council	
Statement of Licensing Policy	Full City Council	
Cumulative Impact Assessment	Full City Council	



Kit Malthouse MP
Minister of State (Minister for Crime and
Policing)

19th August 2020

Via e-mail

Dear Minister,

Request for the extension of the 5-year statutory requirement for Licensing Authorities to revise their Statements of Licensing Policy under the Licensing Act 2003.

As you understand, the Covid-19 pandemic has put immense pressure and challenges on Local Government to deal with not only the public health emergency but also to support businesses in the recovery. The Hospitality Sector has been particularly hit by the pandemic with businesses struggling to operate under the current social distancing restrictions and a drop of more than 60% in footfall compared to the same period last year. These are unprecedented times and we are pleased that the Government has committed to support the Hospitality Sector amongst other struggling sectors.

Our Authorities have over 12,000 licensed businesses under the Licensing Act 2003 (the 2003 Act). We have done a huge amount to support our local hospitality sectors to reopen. As well as providing additional outside seating, we are encouraging residents and workers to make use of the diverse hospitality offer.

Like most Local Authorities across the Country we are required to revise and publish our Statement of Licensing Policy (Policy) under section 5 of the 2003 Act before the end of this year. In revising our Policy, we must have regard to any cumulative impact assessment that the Council has published. The problem that our authorities now face is that our night-time economy statistical data, which we would have relied upon for this process prior to March 2020, does not represent the reality which we are now in. As businesses have been forced to close, residents have remained at home and the emergency services have worked hard to deal with the pandemic it has been difficult to consult with key stakeholders on policy revision.

We find ourselves in an extremely difficult position where we are required by law to produce a revised policy on how we are to administer the Licensing regime and promote the Licensing Objectives without the ability to fully understand what the future looks like.

In Westminster's case they have undertaken research on the cumulative impact within the West End prior to the lock down. However, that research was based on the operation of the Hospitality Sector and the local impact prior to the pandemic. If Westminster were to progress with the production of a

Continued...

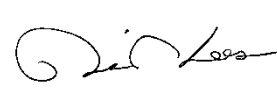
Cumulative Impact Assessment, it would be required under the 2003 Act to consult on implementing a more restrictive licensing policy which would be totally counterproductive to the aims to support business to recover. Manchester and Birmingham City Councils are also in a similar position.

We would, therefore, request that you consider using your powers under section 5(7) of the 2003 Act to provide a temporary extension to the current 5-year policy deadline for a period of 2 years. This would enable Local Authorities to liaise with key stakeholders to develop a policy approach to support the recovery of businesses in the post Covid-19 economy. This change will not adversely affect local authorities, businesses or residents. The government has already taken similar steps to amend legislation to provide relaxations of regulatory deadlines and control to support businesses in the recovery. If you were to agree to use your powers under the 2003 Act to implement this proposal, we would be able to continue with our current Licensing Policies whilst we work with key partners and businesses to understand what the new normal is. These are truly unique circumstances and our proposal would support the wider aims of the government to assist businesses, and particularly the Hospitality Sector to recover.

In addition to Birmingham, Leeds, Manchester and Westminster, who are requesting this amendment to the 2003 Act, this proposal is also supported by the LGA's Safer and Stronger Communities Board, Basingstoke and Deane Borough Council & Hart District Council, Fareham Borough Council, Gosport Borough Council, London Borough of Bromley, London Borough of Haringey, London Borough of Tower Hamlets, Maidstone Borough Council, New Forest District Council, Royal Borough of Windsor & Maidenhead, Runnymede Borough Council, Slough Borough Council, Spelthorne Borough Council and York City Council.

We would be happy to brief you with more detail if this would help you to understand the issues and why we feel strongly that this change in law would be beneficial for business and local authorities.



**Councillor Rachael
Robathan
Leader of the Council
Westminster City
Council**

**Councillor Ian Ward
Leader of the Council
Birmingham City Council**

**Councillor Judith Blake
Leader of the Council
Leeds City Council**

**Sir Richard Leese
Leader of the Council
Manchester City Council**

- | | |
|--|---|
| <p>c.c. - Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government</p> <p>- Nickie Aiken MP, Cities of London and Westminster</p> <p>- Karen Buck MP, Westminster North</p> <p>- Mike Kane MP, Wythenshawe and Sale East, Manchester</p> <p>- Afzal Khan MP, Gorton, Manchester</p> <p>- Lucy Powell MP, Manchester Central</p> <p>- Jeff Smith MP, Withington, Manchester</p> <p>- Graham Stringer MP, Blackley and Broughton, Manchester</p> | <p>- Shabana Mahmood MP, Ladywood, Birmingham</p> <p>- Gary Sambrook MP, Northfield, Birmingham</p> <p>- Khalid Mahmood MP, Perry Barr, Birmingham</p> <p>- Steve McCabe, Selly Oak, Birmingham</p> <p>- Andrew Mitchell MP, Sutton Coldfield, Birmingham</p> <p>- Jess Phillips MP, Yardley, Birmingham</p> <p>- Stuart Andrew MP, Pudsey, Leeds</p> <p>- Hilary Benn MP, Leeds Central</p> <p>- Richard Burgon MP, Leeds East</p> <p>- Fabian Hamilton MP, Leeds North East</p> |
|--|---|

- *Preet Gill MP, Edgbaston, Birmingham*
- *Jack Dromey MP, Erdington, Birmingham*
- *Tahir Ali MP, Hall Green, Birmingham*
- *Liam Byrne MP, Lodge Hill, Birmingham*
- *Andrea Jenkyns MP, Morley and Outwood, Leeds*
- *Rachel Reeves MP, Leeds West*
- *Alec Shelbrooke MP, Elmet and Rothwell, Leeds*
- *Alex Sobel MP, Leeds North West*

APPENDIX C

Interim Statement of Licensing Policy 2020**Consultation Response:**

One response was received to the consultation.

This was from West Midlands Police Legal Services:

In consideration of recent challenges at Licensing Review hearings in front of your committees, perhaps something could be included in the interim policy to clarify the PSED issue. This could something to ensure that due regard is given to the Public Sector Equality Duty under s.149 of the Equality Act 2010. Such as, a commitment to seeking to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality At 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and, foster good relations between people who share a protected characteristic and those who do not.

Further, it might be worth completing proportionality assessments in relation to each review to ensure that the premises/PLH is not unlawfully discriminated against and that any action taken against it/them is proportionate.

Comment:

The proposals in the first paragraph have been incorporated into the Draft policy document.

The second point is an operational matter which will be considered further with colleagues in Legal Services

APPENDIX D

Interim Statement of Licensing Policy 2020

Equality Assessment *EQUA589 Interim Statement of Licensing Policy 2020*

Title of proposed EIA	Interim Statement of Licensing Policy 2020
Reference No	EQUA589
EA is in support of	Amended Policy
Review Frequency	No preference
Date of first review	04/11/2021
Directorate	Neighbourhoods
Division	Regulation & Enforcement
Service Area	Licensing
Responsible Officer(s)	<input type="checkbox"/> Emma Rohomon
Quality Control Officer(s)	<input type="checkbox"/> Leroy Pearce
Accountable Officer(s)	<input type="checkbox"/> Sajeela Naseer
Purpose of proposal	Interim Policy document to maintain legal compliance
Data sources	Consultation Results; relevant reports/strategies; relevant research
Please include any other sources of data	
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Wider Community
Age details:	Policy promotes age verification to ensure legal compliance
Protected characteristic: Disability	Wider Community
Disability details:	No specific policy provisions re: disability
Protected characteristic: Sex	Wider Community
Gender details:	No specific policy issues re: gender
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Not Applicable
Pregnancy and maternity details:	
Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	
Socio-economic impacts	

Please indicate any actions arising from completing this screening exercise.

General review of existing policy to ensure legal compliance.

No changes proposed at this stage

Full review to be commenced ASAP

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

General review of existing policy to ensure legal compliance.

No changes proposed at this stage

Full review to be commenced ASAP

Consultation analysis

none

Adverse impact on any people with protected characteristics.

none

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

How will the effect(s) of this policy/proposal on equality be monitored?

regular review

What data is required in the future?

crime data , complaint data, wider stakeholder inputs

socio economic data

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

The policy seeks to ensure applicants for or holders of premises licences understand what is expected of them in terms of their licence.

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

The policy outlines the criteria by which a licence considered. This does not impact on any protected group.

Please print and save a PDF copy for your records

Yes

Julie Bach

☐ Emma Rohomon

Person or Group

Attachments

Appendix 1 Draft CITY COUNCIL VERSION 2020 v2.pdf
SOLP 2020 consultation report v5.doc